

PB# 86-42

New Windsor Carburetor

3-1-23.1

86-42

New Windsor
carburetor



NEW WINDSOR CARBURETOR

556 LITTLE BRITAIN ROAD
NEW WINDSOR, NY 12550

274

274

Pay to the order of

Town of New Windsor

Twenty-five 00

\$ 25.00

30 DAYS

Eng. fee



BARCLAYS

BARCLAYS BANK OF NEW YORK
353 WINDSOR HIGHWAY, NEW WINDSOR, NEW YORK 12550

Building Plan

86-42

Thomas A. Rando

000274 021901939 010401158

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

July 31 1987

Received of

New Windsor Carburetor Inc \$297.00

Two Hundred Ninety Seven 00/100 DOLLARS

For

Site Plan Application 86-42A-100.00

DISTRIBUTION

Engineer's Fee \$197.00

FUND	CODE	AMOUNT
OK# 159		297.00

By Pauline J. Townsend

Town Clerk

Title

555 Union Avenue
New Windsor, N. Y. 12550

May 21 1987

Received of

James A. Acunzo

\$ 25.00

Twenty-five and 00/100 DOLLARS

For

Revised Site Plan Application Fee 86-42A

DISTRIBUTION

FUND	CODE	AMOUNT
Check# 136		25.00

By Pauline J. Townsend

Town Clerk

Title

New Windsor Carburetor

General Receipt

7726

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

(N.W. Carburetor)

June 13 1986

Received of

James A. Acunzo

\$ 25.00

Twenty Five and 00/100 DOLLARS

For

Site Plan - 86-42

DISTRIBUTION

FUND	CODE	AMOUNT
Check# 25.00		
# 1397		

By Pauline J. Townsend

Town Clerk

Title

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Received of

New Windsor Carburetor Inc \$297.00

Two Hundred Ninety Seven 00/100 DOLLARS

For

*Site Plan Application 86-42A-100.00
Engineer's Fee \$197.00*

DISTRIBUTION

FUND	CODE	AMOUNT
<i>OB# 159</i>		<i>297.00</i>

By *Pauline J. Townsend*

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

555 Union Avenue
New Windsor, N. Y. 12550

Received of

James A. Acunzo \$25.00

Twenty-five and 00/100 DOLLARS

For

Revised Site Plan Application Fee 86-42A

DISTRIBUTION

FUND	CODE	AMOUNT
<i>Check# 136</i>		<i>25.00</i>

By *Pauline J. Townsend*

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

New Windsor Carburetor

General Receipt

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

(N.Y. Carburetor)

7726

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Site Plan - 86-42

DISTRIBUTION

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<i>Check # 1397</i>		<i>25.00</i>

By *Pauline J. Townsend*

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Received of

New Windsor Carburetor \$100.00

One Hundred and 00/100 DOLLARS

For

Site Plan - 86-42

DISTRIBUTION

FUND	CODE	AMOUNT
<i>Check # 273</i>		<i>100.00</i>

By *Pauline J. Townsend*

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

THIS AGREEMENT made the 18th day of June, in the year 1987, between NEW YORK TELEPHONE COMPANY, a New York corporation with its principal office located at 1095 Avenue of the Americas, City, County and State of New York, party of the first part, hereinafter called the Landlord, and THOMAS G. & JANICE A. ACUNZO, 556 Route 207, New Windsor, New York 12550, party of the second part, hereinafter called the Tenant.

WITNESSETH: THAT the Landlord hereby lets unto the said Tenant and the said Tenant hires from said Landlord all that tract or parcel of land 25 feet by 100 feet on the westerly property line of the Grantor on Route 207, containing 2,500 square feet, in the Town of New Windsor, County of Orange, as shown on Exhibit "A" attached hereto and made part hereof for a term of five (5) years, to commence on July 1, 1987 and to end on ~~May 31, 1992~~ June 30 1992, unless sooner terminated, as hereinafter provided, at an annual rental of Three Hundred and 00/100 (\$300.00) Dollars payable in ~~equal monthly~~ equal installments in advance on the first day of each month during said term to the Grantor, c/o Director of Operations, 10th Floor, 2 Pennsylvania Plaza, New York, New York 10036. Said land shall be used for a parking area.

IT IS MUTUALLY AGREED by the parties hereto that the said letting and hiring is and shall be upon the following terms, conditions, covenants and agreements:

FIRST: The Tenant shall pay the rental as above specified and shall not assign this lease without the written consent of the Landlord.

SECOND: The Tenant will hold the Landlord harmless against any and all claims, suits, damages or causes of action for damages arising after the commencement of the term of this lease, or after said occupancy, and against any orders or decrees or judgment which may be entered therein, brought for damages or alleged damages resulting from any injury to person and/or property or loss of life sustained in or about the demised premises and improvements thereon or approaches appurtenant thereto by any person or persons whatever, during the term hereby demised.

THIRD: The Tenant agrees to provide and maintain at its sole expense, adequate Public Liability Insurance in the amount of \$1,000,000 as shall protect it and the New York Telephone Company, its agents, servants and employees from claims for damages for personal injuries (including death), and property damage, which may arise from this lease or from acts of commission or omission by the Tenant or Landlord, their agents, servants or employees, in connection with this lease. The policies of such insurance shall be subject to the approval of the Landlord and certificates of the insurers to the effect that such insurance has, in fact, been written, shall be filed with the Landlord.

FOURTH: It shall be the obligation of the Tenant to obtain any permits or approvals required for the use or improvements to the demised premises.



New York Telephone

A NYNEX Company

158 State Street
Albany, New York 12207

June 24, 1987

Mr. Thomas G. Acunzo
556 Route 207
New Windsor, New York 12550

Dear Mr. Acunzo:

Enclosed herewith are two (2) copies of the Lease Agreement for the parking spaces on our land on Route 207.

Please have your wife sign both copies, along with yourself, and return one copy to me at 20 Park Street, Room 310-P,
Albany, New York 12207.

The rental should start on July 1, 1987.

Very truly yours,

ATTENTION:

John F. Richardson
John F. Richardson
Operations Manager

JFR:m
Attachments

FIFTH: The Landlord and Tenant agree that either party shall have the right and option to cancel said lease at any time by giving sixty (60) days prior notification thereof by United States Certified Mail.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their respective seals on the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESS:

Robert Hasbrouck

WITNESS:

Robert Hasbrouck

WITNESS:

John Richardson

By Thomas G. Acunzo
Thomas G. Acunzo

By Janice A. Acunzo
Janice A. Acunzo

NEW YORK TELEPHONE COMPANY

By Ray Jones
Director of Operations 6/18/87

REVIEWED
By DT Date 6/18/87

New Windsor

Carburetor

Revised

86-42 A

BUILDING INSPECTOR, P.B. ENGINEER,
WATER, ~~SEWER~~, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval ☒
Subdivision _____ as submitted by
John J. Dragan for the building or subdivision of
New Windsor Carburetor, Inc. has been
reviewed by me and is approved ☒,
disapproved _____.

If disapproved, please list reason.

Building is connected to main sewer line

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lyman R. Marten
SANITARY SUPERINTENDENT

July 15, 1987
DATE

New Windsor

Carburetor

Revised

86-42A

BUILDING INSPECTOR, P.B. ENGINEER,
~~WATER~~, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by

John J. Dragon P.E.C.S. for the building or subdivision of
T.S.J. Acunye - NW Carburetor has been

reviewed by me and is approved ☒ _____,
~~disapproved~~ _____.

~~If disapproved, please list reason.~~

There is no town water in this area -

HIGHWAY SUPERINTENDENT

Steve D. Dio
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

will go down and confirm that.

Mr. Van Leeuwen: I think we should still go down and inspect this I have heard stories there is sewage running above the ground.

Mr. Petro: There was raw sewage from number 1 I personally cleaned it up.

Mr. Reyns: On your land from the back?

Mr. Petro: Yes.

Mr. Babcock: Right now with trailer parks the way the jurisdiction usually runs on the sanitary and if there is any problems is with the Orange County Health Department, if anybody has complaints they should take them up with the Orange County Health Department and they have the jurisdiction to come in there and do something about it. What we'd do if we were notified is we'd notify them.

Mr. Edsall: That is what I am recommending that we go to the County, they are the people that give the operating permits to allow them to stay in business to continue or not to continue based on any failure they are the people we have to talk to.

Mr. Schiefer: You have a good feel for what we have here. We have to address the sewage encroachment on the adjacent property and we will go down and take a look at it. I believe this area here is hard and dry and there is no liquid of any type.

Mr. Shaw: I will contact the Health Department get something back from them in writing and I will revise the drawing and resubmit back to you and place us on the agenda when the slot is available. Thank you.

Mr. Schiefer: In view of the fact we have a quorum, we will go on to the regular meeting.

NEW WINDSOR CARBURETOR SITE PLAN (86-42A)

Mr. John Dragon came before the Board representing this proposal.

Mr. Schiefer: As of last week we were missing Fire Prevention I hear we have that.

Mr. Babcock: Yes we do I delivered it yesterday to the file.

Mr. Schiefer: There were some written changes to the map since that.

Mr. Babcock: Mark named them in his report.

Mr. Schiefer: Have you seen the comments?

Mr. Dragon: No I have not.

Mr. Schiefer: This is the only one that requires any action.

Mr. Edsall: And that is just an acknowledgment. I am not sure but they may have acknowledged that previously.

Mr. Dragon: The only comment we have is the responsibility for the repair and/or maintenance of any improvements placed over the 20 foot wide sewer which is the applicant's responsibility. Concerning the applicant will maintain the pavement in time it will wear out he will repave but if somebody goes in like the Town to dig up for a break in the main or whatever certainly I don't think the Town would expect the applicant to pay for the repair to the pavement.

Mr. Edsall: It is something that the attorney would have to clarify that if people put improvements over Town easements whether the Town would assume the responsibility if they have to go in and exercise the right to go into the area and do work.

Mr. Roncs: I'd have no idea, I'd have to refer to Tad Seaman.

Mr. Edsall: I'd think if the easement was granted after the improvements were there would be a different situation if the easement already existed and somebody proposed to put improvements over the easement.

Mr. Dragon: When a sewer is layed if it is through raw land it is dressed, some seed is sprinkled if somebody built a home in the area they may improve it, put plantings, whatever certainly if the town came in to make repairs because of a blockage or whatever they would restore it as it was. I think it would be a total outrage to expect the applicant to repair the pavement if the Town came in and had to make repairs or enlarge the sewer, whatever. We are not going to leave the property lay in its original condition.

Mr. Van Leeuwen: How old is the easement?

Mr. Acunzo: Palanzo gave the Town an easement to go through there but I don't feel we have to address this now no one is blacktopping why make an issue of it.

Mr. Babcock: When the Town goes in and gets an easement and does work on an easement they put it back exactly how it was they restore it to the original condition. What Mark is saying you are not allowed to put fences any permanent structures on the Town easement for those reasons.

Mr. Reynolds: That is natural.

Mr. Babcock: What we are relating to is that Mr. Acunzo is going to blacktop over the easement, now it is knowledge that if the Town has to dig it up what we are trying to bring out who is responsible to replace it?

Mr. Acunzo: The Town required me to put the blacktop down.

Mr. Van Leeuwen: This is a no win situation.

Mr. Reynolds: That should be forgotten.

Mr. Jones: He's got to blacktop and everything is settled and the Town comes in he's got to put it back down again.

Mr. Schiefer: I can't see that.

Mr. Reynolds: I don't think that he should be applying this right here.

Mr. Edsall: What I am going to be looking for not in the case of this particular site plan but in the future is a clarification from the Town attorney if they are going to allow anybody to put improvements over easements. It may occur on future submittals the Town will say no you are not allowed to put blacktop over an easement unless you take the responsibility.

Mr. Reynolds: I make a motion this Planning Board approve the New Windsor Carburetor Site Plan (86-42A)." Seconded by Mr. Jones.

ROLL CALL:	MR. REYNS	AYE
	MR. JONES	AYE
	MR. VAN LEEUWEN	AYE
	MR. SCHIEFER	AYE

Mr. Jones: "That the Planning Board of the Town of New Windsor approve the special permit to New Windsor Carburetor for the repair shop and the proposed retail store for five years from this date in conjunction with the term of the lease from the New York Telephone Company." Seconded by Mr. Reynolds.

Mr. Van Leeuwen: I don't see the flag pole.

Mr. Reynolds: With the drive going in there I don't think it needs a flag they never had one on there anyway.

ROLL CALL:	MR. REYNS	AYE
	MR. JONES	AYE
	MR. VAN LEEUWEN	AYE
	MR. SCHIEFER	AYE

NEW WINDSOR BUSINESS PARK SITE PLAN -(86- 67)

Mr. Miller came before the Board.

Mr. Schiefer: I hear that at 1:00 this afternoon there was a change of plans submitted to Mr. Edsall's office if that is the case, I don't see how this Board can take any action on this at all. We haven't had a chance to review it or anything if you are going to submit the changes six hours before the Board meets, we have not seen them. I don't see how we can take any action.

Mr. Miller: The questions we responded to on the plan as far as the plans are concerned are minor in detail we just answered Mark's questions of last meeting. Why you just got them today I can't answer that.

Mr. Schiefer: It is difficult to make an intelligent decision when we haven't seen them.

Mr. Miller: The changes were a reaction to Mark's comments of last meeting. The biggest problem was meeting with the Fire Agency last night which Don did and told me everything was Ok as far as the needs were concerned.



Bulays Bank of New York, N.A. Letters of Credit Dept.

688 White Plains Rd., Scarsdale New York 10583

TELEX: 126946 or
126195

DATE: July 28, 1987

Telephone 914-472-5000

-OUR NO

-ADVISING BANK NO.

IRREVOCABLE DOCUMENTARY LETTER OF CREDIT _____ ADVISING BANK _____		OUR NO. _____ ADVISING BANK NO. _____
advised direct		BBNY L/C332-361-87 ACCREDITOR Thomas G. Acunzo 556 Route 207 New Windsor, N.Y. 12550
_____ BENEFICIARY _____ Town of New Windsor 555 Union Avenue New Windsor, N.Y. 12550		_____ AMOUNT _____ US\$7,000.00UnitedStatesDollarsSevenThousand- Only*****
		<input type="checkbox"/> CONFIRMATION OF OUR CABLE DATED _____

GENTLEMEN: WE HEREBY ISSUE IN YOUR FAVOUR AN IRREVOCABLE DOCUMENTARY CREDIT AVAILABLE BY YOUR DRAFTS
DRAWN ON BARCLAYS BANK OF NEW YORK, N.A. 688 White Plains Rd., Scarsdale New York 10583
AT sight ~~FOR XXXXXXXXXXXXXXXXXXXXXXXXXX~~ ACCOMPANIED BY THE FOLLOWING DOCUMENTS:-

1. A notarized letter from The Town of New Windsor stating Thomas G. Acunzo has failed to complete the site work required by The New Windsor Carburetor site plan dated July 15, 1987, recorded and approved by the Town of New Windsor.

Special Instructions:

A condition of this Letter of Credit is that it shall be deemed automatically extended without amendment ~~XXXX~~ for one year from the expiration date hereof (present or future expiration date), unless 30 days prior to any such date we shall notify you in writing that we elect not to renew this Letter of Credit. There shall be no renewals or extensions setting an expiration date beyond July 27, ~~XXXX~~ 1990.

COVERING:

SHIPMENT FROM:		TO:		PARTIAL SHIPMENTS	TRANS-SHIPMENT
LATEST					
SPECIAL INSTRUCTIONS:					
DOCUMENTS TO BE PRESENTED WITHIN DAYS AFTER THE DATE OF ISSUANCE OF THE SHIPPING DOCUMENT(S) BUT WITHIN THE VALIDITY OF THE CREDIT.					

ALL DRAFTS MUST BE MARKED, "DRAWN UNDER BARCLAYS BANK OF NEWYORK, N.A., LETTER OF CREDIT NUMBER BBNYL/C332-361-87 DATED July 28, 1987

THE AMOUNT OF ANY DRAFT DRAWN UNDER THIS CREDIT MUST BE ENDORSED ON THE REVERSE OF THE ORIGINAL CREDIT. THIS CREDIT SHOULD BE ATTACHED TO ANY DRAFT WHICH EXHAUSTS THE CREDIT.

THE CREDIT IS AVAILABLE FOR negotiation at our counters

UNTIL July 27, 1988

THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1983 REVISION),
INTERNATIONAL CHAMBER OF COMMERCE BROCHURE NO400

WE UNDERTAKE THAT DRAFTS AND DOCUMENTS DRAWN UNDER AND IN STRICT CONFORMITY WITH THE TERMS OF THIS CREDIT
WILL BE HONORED UPON PRESENTATION.

F 00340 (26)

PLEASE SEE REVERSE



1763

TOWN OF NEW WINDSOR


555 UNION AVENUE
NEW WINDSOR, NEW YORK

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: **New Windsor Carbu~~re~~tor**
PROJECT LOCATION: Route 207 (North Side)
NW #: 86-42
22 July 1987

1. 1. The Site Plan has been reviewed at previous Planning Board Meetings, with the latest revision including the relocation of parking along the east side onto a leased area on the adjacent New York Telephone Property. In addition, parking spaces have been added to the front of the new building and the traffic pattern has been revised for ingress and egress, both being on the east side of the property.
2. The proposed traffic circulation pattern is an improvement and provides for the minimum 24' clearance as required by the Fire Prevention Bureau.
3. For the record, the Applicant should acknowledge that maintenance of the stream/drainage path is fully their responsibility and that responsibility for the repair and/or maintenance of any improvements placed over the 20' wide sewer easement is fully the Applicant's responsibility.
4. Based on approval being given for the Site Plan, a Special Permit is required for the proposed use in the NC Zone.
5. The Plan as submitted, revised 13 July 1987, is acceptable from an Engineering Standpoint based on the above comments.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEnjE



555 UNION AVENUE
NEW WINDSOR, NEW YORK

SITE PLAN APPROVAL

New Windsor Carburetor, Inc.

✓ The site plan or map was approved by the Bureau of Fire Prevention.

The site plan or map was disapproved by the Bureau of Fire Prevention for the following reason(s).

SIGNED

CHAIRMAN



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.

MARK J. EDSALL, P.E.
Associate

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: NEW WINDSOR CARBURETOR
PROJECT LOCATION: ROUTE 207
NW#: 86-42
DATE: 8 JULY 1987

1). The Site Plan, as submitted, includes two (2) structures which have a combined use for retail stores and auto/carburetor repair in the front building and a carburetor repair shop in the rear building.

2). Pursuant to the field visit held on 3 April 1987 and my memorandum dated 8 April 1987, the Applicant has addressed all of the comments of the Engineer.

3). The following should be verified for the record with the Applicant:

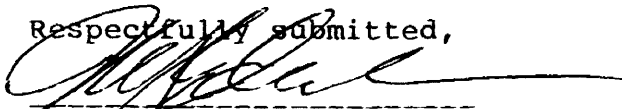
a). Prior to the issuance of a CO, the makeshift bridge over the westerly stream will be removed;

b). The Applicant agrees to be fully responsible for the maintenance of the stream/drainage path through his property;

c). The Applicant should acknowledge responsibility for repair and/or maintenance of any improvements placed over the 20' wide sewer easement on the easterly border of the property.

4). The Board should note that the indicated use for auto/carburetor repair requires a Special Permit under the NC Zone.

Respectfully submitted,



Mark J. Edsall, P. E.
Planning Board Engineer
MJE:JE

TOWN OF NEW WINDSOR PLANNING BOARD

TOWN HALL, UNION AVENUE, NEW WINDSOR, NEW YORK

JULY 8, 1987

BOARD MEMBERS PRESENT: HENRY SCHEIBLE, CHAIRMAN
LAWRENCE JONES
HENRY VAN LEEUWEN
DANIEL MC CARVILLE
RON LANDER
CARL SCHEIFER
HENRY REYNS

OTHERS PRESENT: JOSEPH RONES, PLANNING BOARD ATTORNEY
MARK EDALL, PLANNING BOARD ENGINEER
MIKE BABCOCK, BUILDING INSPECTOR
FRANCES ROTH, SECRETARY

Mr. Scheible called the regular meeting to order.

Mr. Scheible asked if there were any additions or corrections to minutes of the June 10, 1987 meeting. Being that there were none, a motion was made to accept the minutes of that meeting by Mr. Van Leeuwen, seconded by Mr. Schiefer and approved by the Board. Also, Mr. Scheible asked if there were any additions or corrections to the minutes of the June 24, 1987 meeting. Being that there were none, a motion was made to accept the minutes of that meeting by Mr. Van Leeuwen, seconded by Mr. Jones and approved by the Board.

PUBLIC HEARING - NEW WINDSOR CARBURATOR SITE PLAN (86-42A)

Mr. John Dragon came before the Board representing the proposal. He presented the Affidavit of Mailing, Affidavit of Publication and return receipts, 24 were sent with 22 returns.

Mr. Dragon: I think the purpose of the public hearing is to obtain special use permit for a carburator repair shop in the new building on the property. I believe I am correct in saying the Board had no further comments on the site plan itself and Mr. Acunzo operates a carburator repair shop in the existing building to the rear which is a pre-existing non-conforming use. He wishes to extend to one half of the new building and remaining half of the new building will be retail store use which conforms to the present zoning. I think that summarizes why we are here.

Mr. Scheible: Before I open to questions from the floor, I want to read one comment that came in as of June 16, 1987 from the Bureau of Fire Prevention that the New Windsor Carburator plan has been disapproved by the Bureau of Fire Prevention for the following reasons: The entrance drive along the side of the

building is to be a minimum of 24 feet, and parking spaces to be eliminated in this area. They seem to be having a problem with the entranceway. Now rather than us get into a lengthy discussion tonight I'd suggest that you be in touch with Bobby Rogers and further discuss this situation because it is something we can't rectify, it would be up to the Fire Inspection Bureau. I'd suggest getting in touch with Bobby Rogers they are having a difficult time in accepting the plan.

Mr. Acunzo: That was disapproved by Bobby Rogers himself?

Mr. Scheible: By the Bureau of Fire Prevention.

Mr. Dragon: Does that forego any action by the Board?

Mr. Scheible: We would not be able to approve tonight as it is right now.

Mr. Acunzo: Is there a reason why they responded June 16th?

Mr. Babcock: What happens every time there is a new plan when alterations are made they get a copy of the plan so I don't know when they got the first copies or why they didn't respond to the first copies but...

Mr. Acunzo: So what I am trying to say is that was originally proposed May 30, 1986, we have been coming back here and making our proposal and making...

Mr. Scheible: When you proposed the first one in May 1986 it was not this set of plans you proposed at this time. You changed it over so I don't want to be said we have been dragging our feet it is not us who have been dragging our feet. When you sent something in May 1986 it looked nothing like that, so I just want to say that.

Mr. Dragon: Parking along the side the building been there for a number of months I think you are saying you can't act on it.

Mr. Scheible: We can't act on it tonight Mr. Dragon. As much as we want to act on it tonight we have our hands tied so we are going to have to wait until the problem is rectified.

Mr. Dragon: Mr. Acunzo has been negotiating with New York Telephone to lease some property along the common property line and he was successful in this and he has an agreement with the New York Telephone company and we had intended to modify the plan to move the parking out. Can we just move on that?

Mr. Rones: We can continue to have the public hearing, to give the public the opportunity to be heard but what the chairman is saying is that even though we are having the public hearing tonight we are not going to be able to take a vote tonight it won't be in your interest to take a vote tonight because there are some modifications you can make to satisfy the Bureau of Fire Prevention's concerns and that might improve your chances for approval. But one of the very first criteria that is set forth in our ordinance for the approval of special permits is that all proposed structures or equipment or materials shall be readily accessible for fire and police protection so that is at the top of the list of things that we have got to consider that is certainly something that's got to be addressed satisfactorily before we pass on the site plan.

Mr. Dragon: I understand but can't this matter be left open and modify the plan now that we have a lease agreement with the Telephone company and move the parking over that way to satisfy the Fire Bureau.

Mr. Scheible: If that meets with the Fire Department's needs I can't see any problem.

Mr. Acunzo: Does Bobby Rogers know exactly what they are referring to?

Mr. Van Leeuwen: He sits on the Board so he must know. He presents the plans so what I'd do is modify the plans, take it into him and see if he can't get you immediate approval and we will take care of the rest.

Mr. Acunzo: What are they looking for?

Mr. Scheible: They said that the entrance drive along the side of the building is to be a minimum of 24 feet, what you have here it is a total of 35 already.

Mr. Dragon: The concern is not 24 feet.

Mr. Scheible: It is not going to be 24 feet that is 35 feet with the parking spaces what they want is a minimum of 24 feet between the cars and the building even though it doesn't show the distance that is what they are looking for if you have 24 feet between the cars and the building which I doubt very much.

Mr. Acunzo: I already leased the whole side it came through July 1.

Mr. Scheible: Which whole side?

Mr. Acunzo: The one we are talking about 24 feet the actual 25 feet from the end property.

Mr. Scheible: If you have already accomplished that feat you are going to have to change the map and come back.

Mr. Dragon: You had asked for some room here for maneuvering before we started a first parking place since we are going to move it over to here would you have any problem with us starting here I think that still gives them plenty of room to maneuver.

Mr. Scheible: I can't see any problem because you have plenty of room to maneuver. That is like a whole new world there now.

Mr. Dragon: Ok.

Mr. Van Leeuwen: We'd have to see a copy of the lease.

Mr. Reynolds: You say you leased the property to the Telephone company?

Mr. Acunzo: Five year lease from the New York Telephone company.

Mr. Rones: That is a five year lease and the availability of that property important to the site plan there is a provision that the special permits can be rendered periodically renewed so it may be that the time frame of the special permit if it is granted should not be any longer than the term of the lease. So

if there is going to be a problem there is going to be some change necessary to the site plan down the road.

Mr. Scheible: You are saying that the approval we will give the special permit will not exceed a length of time of the lease given by New York Telephone?

Mr. Ronen: Right, the requirement that the special permit be renewed at the end of that lease term so that if there is a problem of getting an extension of the lease term, they might require some changes to the site plan.

Mr. Acunzo: Is it the Fire Prevention who has put this stipulation into moving because of the special use permit or because of the building and the property line?

Mr. Scheible: I'd say because of the building of the property line because they need access. If you get that lease from the telephone company you will not only fall into compliance but within the guidelines of the Fire Department understand?

Mr. Acunzo: So if it is just based on the parking not the special uses permit why wasn't this disapproved on the original site plan?

Mr. Mc Carville: You had no parking originally on the original site plan.

Mr. Acunzo: Yes I did. The plan you have now you approved and was approved by the departments, everybody.

Mr. Scheible: You have changed your usage here which increased the number of parking spaces needed.

Mr. Acunzo: The number of parking spaces did not change the distance. They are not denying me my site plan approval based upon the number of parking spaces they are basing it upon the distance between the building and the automobiles.

Mr. Scheible: Correct.

Mr. Acunzo: That site plan was approved, the only difference is automobile repair which is written on the new building that site plan was approved by the Fire Prevention and everybody else.

Mr. Mc Carville: Were those parking spaces at an angle on the original map?

Mr. Acunzo: The only difference was that it was auto repair.

Mr. Dragon: At one point we had parallel parking.

Mr. Acunzo: No it wasn't.

Mr. Scheible: You had parallel parking which left you enough space because you didn't need as many parking spaces as you show now whatever the number is I can't remember now.

Mr. Acunzo: I have the site plan approved the only difference on the site plan was the auto repair instead of office space. Is that true?

Mr. Babcock: To my knowledge it is. The only thing I can say is this has happened before where the Fire Bureau will get a plan they look at it and find it to be satisfactory. Somebody does a revision it might be so minimal that it is pathetic when it goes back to the Fire Bureau they may pick it up, it had to happen that time because they had approved the site plan at one point.

Ms. Acunzo: Each time it came back it was approved and there was a letter from the Fire Department saying it was just fine. The June 16th letter has popped up now.

Mr. Babcock: We changed the parking spaces and we...

Ms. Acunzo: It has the distance not the amount.

Mr. Babcock: It would include the amount because it says the parking spaces by the building would have to be eliminated so now I'd have to add parking in the back. They might not have picked it up.

Ms. Acunzo: They have had plenty of opportunity to find this.

Mr. Dragon: One question since we are going to revise the plan can the public hearing be closed or stay open until next hearing?

Mr. Roncs: I think my feeling would be it doesn't seem to me that the revision is all that relevant to the public hearing and that we ought to notice the public that is interested if any is here and ought to be heard and as far as the site plan revision that is required in clearing up the issue with Fire Prevention Bureau I don't think it is necessary to hold the public hearing open for that. We can perceive that information at the next meeting or whenever it is received and act on it at that time. That would be my suggestion.

Mr. Mc Carville: We are really at the public hearing for the use more than the layout.

Mr. Scheible: Are there any questions from the floor regarding this plan? Any further discussion from the floor?

Mr. Reyns: I have some questions of the Board when did we receive the plan this one here?

Mr. Scheible: This one?

Mr. Van Leeuwen: Last revision is June 3, 1987.

Mr. Reyns: My question would be why didn't the Fire Board return this before this?

Mr. Van Leeuwen: They received it on the 16th and we didn't have a meeting. We have a letter from them on the 16th.

Mr. Babcock: The last time they were in we hadn't got the information back from the Fire Bureau because they only meet once a month and you had told them to eliminate the parking in the front and add four in the back for employees and you were satisfied again now, and then we received it back from the Fire Bureau.

Mr. Reynolds: From the Fire Bureau? Why wasn't there something done by the Fire Bureau before that?

Mr. Babcock: There was, it was approved by the Fire Bureau before.

Mr. Reynolds: I am not arguing for or against this I just see some problems here that are these people have been in here a number of times with this thing and I think it is a little unfair to have this come up at this point. I don't say it is our fault or who's fault but somebody ought to run this down to have these people here at this juncture for approval and then have the Fire Bureau say we have to move the parking spaces. We should have been told this before. I don't think this is right.

Mr. Babcock: I agree with you but the situation is if they missed something on a prior site plan review, if they pick it up now they can't let it go by.

Mr. Rones: It is a public safety issue. There should be, if it seems like there should be a procedure when they issue the approvals or have comments in the same vein as when the engineer has comments these comments, either approval or disapprovals should be sent right away to the applicant's engineer or surveyor or representative so that they can conference these problems out so we don't have to concern ourselves with these details. It is only another stamp involved and it would save a lot of time and misunderstanding and a lot of hard feelings.

Mr. Acunzo: When was the Board notified of this violation?

Mr. Scheible: The letter states June 16th.

Acunzo: No one could have called me from June 16th to now?

Mr. Babcock: When I walked in this door tonight...

Mr. Acunzo: I have done everything that everybody has asked I seem to pay the surveyor, pay the attorney I just keep coming in here and getting my brains knocked out.

Mr. Scheible: I think everybody who sits here tonight would probably be glad to clear the issue tonight but the Fire Prevention Bureau has thrown a monkey wrench into it and we can't put it to a vote there is no way we can approve a situation as a public safety of the neighborhood.

Mr. Acunzo: Why wasn't I notified?

Mr. Scheible: I really couldn't answer you.

Ms. Acunzo: Who is responsible?

Mr. Babcock: It is the Planning Board at the meeting this is how it normally works, they are not accessible during the day we hand them the envelopes at the meeting.

Mr. Acunzo: So would you say it is minor?

Mr. Babcock: If I knew I would have sent it to you.

Ms. Acunzo: Who was the person who received the letter?

Mr. Babcock: They just drop them off and one of the secretaries in my office pick the stuff up and find out who it is for she doesn't read them and she puts it in the folder for the Planning Board.

Ms. Acunzo: And the Planning Board did not see the letter in time and yet there was a meeting prior to this?

Mr. Scheible: The meeting prior to this didn't have this on the agenda.

Mr. Babcock: We didn't bring out the folder then.

Ms. Acunzo: So with it should be issued a letter on top to let you know the current standing of each case reviewed is this true?

Mr. Babcock: No.

Ms. Acunzo: You don't get a letter stamped to it to update you on what is going on what you review?

Mr. Mc Carville: We review the minutes not the correspondence received.

Ms. Acunzo: So it is not stamped to it?

Mr. Mc Carville: We get a awful lot of correspondence.

Mr. Babcock: I learned of this tonight if I knew it was there I'd have sent it to you.

Ms. Acunzo: So nothing is left to your discretion that you can do something to help that since it was past approved. There is no power to vote to say it was approved.

Mr. Van Leeuwen: If we put this to a vote tonight we'd have to vote it down legally, we don't want to do that.

Mr. Mc Carville: We understand your position.

Mr. Scheible: You have to understand ours also. If we have a vote tonight it will have to be voted down and we don't want that to happen.

Mr. Acunzo: So I understand.

Mr. Scheible: I will close the public hearing regarding New Windsor Carburator site plan.

Mr. Acunzo: Can I be on the next meeting?

Mr. Scheible: Yes you will if everything is cleared up because you yourself just prevented anything further from happening here tonight you have a lease coming from the New York Telephone company which alters the site plan altogether. So there is no way we can really act upon it tonight until we see the new map stating the lease seeing the lease as it stands.

Mr. Acunzo: I understand your position.

Mr. Dragon: I want us to move ahead and submit at a later date.

Mr. Acunzo: Is it fair to assume that this evening I have been granted my special uses permit?

Mr. Scheible: We could not vote on it no sir.

Mr. Acunzo: You can't vote on the special use permit I thought it was the distance between the automobile and the building?

Mr. Scheible: We can't vote on a piece meal basis we have to vote on its entirety. We have to vote on the site plan and the special use permit all at one time is that right Mr. Ronces?

Mr. Ronces: The preliminary consideration in the special permit application is public safety concerns since there is a public safety concern here brought up by the Bureau of Fire Prevention it has to be addressed before the Board votes on the special permit.

Mr. Acunzo: Ok.

Mr. Edsall: I think they should know that the Fire Prevention Bureau's next meeting is on the 21st. I think it would be, and the Board may agree it may be appropriate that the Board get a hold of the Fire Prevention Bureau and let them know the predicament and make sure that they take a look at it because our meeting is the next night, the 22nd.

Mr. Scheible: Could you have plans ready for the Fire Prevention Bureau?

Mr. Dragon: Sure. Is there someone I can deliver them to?

Mr. Babcock: Bobby Rogers he is down the hall from me. I will get them to him.

Mr. Dragon: Ok, thank you.

ANDERSON SUBDIVISION (87-24)

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Kennedy: The Andersons are proposing two lot subdivision on Reilly Road lot number 1 contains existing house and lot number 2 is for proposed structure to be built by Anderson's son. We were here Mr. Anderson represented himself last meeting and you had asked for some information regarding to where the sewer hookup was and we have added this to the map and returned. All the minutes' requirements are met.

Mr. Reyns: We have to determine whether this is going to require a public hearing right?

Mr. Van Leeuwen: It is a two lot subdivision we don't have public hearings for that.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

June 24, 1987

Mr. & Mrs. Thomas Acunzo
37 Keats Drive
New Windsor, NY 12550

Re: New Windsor Carburator/Variance List- Tax Map #3-1-23.1
556 Route 207, New Windsor, NY

Dear Mr. & Mrs. Acunzo:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$35.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, N.Y.

Very truly yours,

CHRISTIAN E. JAHRLING, IAO
SOLE ASSESSOR

CEJ/cp
Attachments

X Pavlik, Anthony M. & Mary
Silver Stream Rd., RD 2
Newburgh, NY 12550

N Zawada, Edward J. & Elsa C.
Silver Stream Rd., RD 2
Newburgh, NY 12550

X Stellwag, Henry & Helene
308 Little Britain Rd.
Newburgh, NY 12550

X New York Telephone Co.
1095 Ave. of the Americas
New York, NY 10036

X Palozzo, Chester & Clementina
RD 2 Silver Stream Rd
New Windsor, NY 12550

N Craft, Charles & Carol
557 Little Britain Road
New Windsor, NY 12550

X Mt. Airy Trailer Court Inc,
Box 324, RD 1
Walden, NY 12586

X Rowell, Raymond A.
22 Pierces Rd.
Newburgh, NY 12550

X Newburgh Society for the Prevention
of Cruelty to Animals
290 First St.
Newburgh, NY 12550

X Raiani, Felicia & Philip
PO Box 9
Circleville, NY 10919

Y Sears, Rose C. Marshall
Box 217 Riley Road
New Windsor, NY 12550

X Cosgrove, Raymond &
Rice, Howard
547 Little Britain Rd.
New Windsor, NY 12550

X Rice, Howard & Julianne
49 Grand Ave
Newburgh, NY 12550

X Little Britain HealthMed L.P.
545 Little Britain Rd.
New Windsor, NY 12550

X Scheible, Otto
439 Little Britain Rd.
New Windsor, NY 12550

X City of Newburgh
City Hall
Newburgh, NY 12550

A Kutsche, Erhart F. & Marie
Apt. 501
88-11 63rd Drive
Rego Park, NY 11374

q Jannotti, Frank J. & Connie
20 Browns Dr.
New Windsor, NY 12550

X Steckman, Howard & Alice
Moore's Hill Rd. RR 2, Box 403
New Windsor, NY 12550

AFFIDAVIT OF MAILING

STATE OF NEW YORK
COUNTY OF ORANGE
TOWN OF NEW WINDSOR

SS:

Thomas G. Acunzo BEING DULY SWORN,

deposes and says, I am a resident of Town of
New Windsor and that on the 29th day of

June 1987 I mailed the annexed Notice of Public
Hearing to each of the parties hereinafter named by depositing in
a United States Post Office or official depository at

Stewart Airport P.O. a true copy of said notice, each
properly enclosed in a securely sealed, post-paid wrapper, marked

"CERTIFIED MAIL, RETURN RECEIPT REQUESTED", directed respectively
to each of the following parties at the address set opposite
their names:

NAME	ADDRESS
1. Parlik, Anthony M & Mary	Silver Stream Rd. Rd 2
2. Zawada, Edward Rd. Rd 2	Silver Stream
3. Stellingway Henry & Helene	308 Little Britain Rd
4. N. Y. Telephone Co	1095 Ave of the Americas
5. Palozzo, Chester & Clementine	Rd 2 Silver Stream
6. Craft, Charles & Carol	557 Little Britain Rd
7. Mt Airy Trailer Court Inc	Box 324 Rd 1
8. Russell, Raymond A	22 Pierce Rd
9. Newburgh Society of the Prevention of Cruelty to Animals	290 1st St
10. Rarosi, Felicia & Philip	P.O. Box 9
11. Sears, Rose C Marshall	Box 217 Pulpy Road
12. Casgrove, Raymond & Rice Howard	347 Little Britain Rd
13. Rice, Howard & Julianne	45 Grand Ave
14. Little Britain Health Med L.P.	545 Little Britain Rd
15. Scheible, Otto	439 Little Britain Rd
16. City of Newburgh	City Hall

Sworn before me this

Signed

2nd day of July 1987

Susan L. Hoffman
Notary Public

SUSAN L. HOFFMAN
Notary Public, State of New York
No. 30-4504124
Qualified in Dutchess County
Commission Expires March 30, 1988

17. Kutsche, Erhart F. & Marie 18-11 63rd Drive Rego Park N.Y.

18. Jannotte Frank D. & Corrie 20 Browns Dr.

19. Steckman, Howard & Alice Moores Hill Rd. (over)

- ~~20~~ John A. Petro Supervisor 555 Union Ave
21 Rashie A. Townsend, 555 Union Ave
22 Joe Pones Esq. 436 Route 9W
23 Henry Scheible Chairman 555 Union Ave
24 Edsall, Mark 45 Massachusetts Avenue

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on

July 8 1988 at 7:30 P.M. on the approval of the proposed Site Plan (Subdivision of Lands)*

(Site Plan)* OF New Windsor Carburetor located 556 Route 207 New Windsor, NY.

Map of the (Subdivision of Lands)(Site Plan)* is on file and may be inspected at the Town Clerk's Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

Dated: 6-17-87

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

Henry F. Scheible

Chairman

ROLL CALL:

MR. JONES	AYE
MR. REYNS	AYE
MR. SCHIEFER	AYE
MR. MC CARVILLE	AYE
MR. VAN LEEUWEN	AYE
MR. LANDER	AYE
MR. SCHEIBLE	AYE

A five minute adjournment was taken by the Board

NEW WINDSOR CARBURATOR SITE PLAN - (86-42)

4/10

Mr. Dragon came before the Board representing this proposal.

Mr. Dragon: I am the engineer for Mr. Acunzo I believe all the comments of the Board have been addressed on the current subdivision and we seek approval of the site plan. The bridge has been removed as of yesterday.

Mr. Babcock: I don't know I wasn't there. As far as the bridge is concerned I didn't see it I should have went there today but he still has to obtain the C.O. before he occupies it and I will make sure that that is checked out then.

Mr. Van Leeuwen: What is the intention to do with the back of the property?

Mr. Dragon: Ultimately it will be used I don't think he has any plans for the remainder. I think there are no plans.

Mr. Mc Carville: This retail store on the front it is automobile parts correct?

Mr. Dragon: I think it was defined as a speed shop they would sell parts.

Mr. Mc Carville: But they will not install them there?

Mr. Dragon: No.

Mr. Mc Carville: New Windsor Carburator will be occupying the rear of the new building?

Mr. Dragon: Correct and occupy the existing garage on the property.

Mr. Babcock: They have a note on the map it is a new note repair shop shall be used for servicing and repair of automobile carburators not for general automotive repair. The intent of the work in the shop is going to be carburators either servicing repairing or rebuilding.

Mr. Dragon: It will be paved up to the fence. I make a note there is new paving here.

Mr. Scheible: The vehicles will be inside the garage under repair?

Mr. Dragon: There is a bay and I think the carburators are taken out and worked on.

Mr. Rones: Since this is an HC zone and there is going to be automobile servicing garage being proposed to be added to this site it seems to come under the use by special permit which are authorized by either the Planning Board or Town Board under the HC zone so that this time it may be appropriate to make a motion to set the applicant up for a public hearing on the special permit.

Mr. Dragon: It was my understanding that the addition of the note to satisfy any concerns with regard to the use of the property. Since it would be exclusively for carburetor work it won't be considered special permit use.

Mr. Rones: But the carburetor is just part of the car I don't think it makes a difference as to whether it is limited to the carburetor first or roof, tires or what it is.

Mr. Dragon: It was my interpretation last month and directed that if this note were added that the use would be exclusively for carburetor repair it would satisfy the zone.

Mr. Van Leeuwen: When we approve the printshop on 94 the vinyl top place on 94, we did have to have a public hearing. The choice is not ours to make.

Mr. Tom Acunzo: At the last meeting Mr. Babcock raised that question that do we need a public hearing or not and it was addressed if the use was highly specialized and not used as automotive repair there would be no hearing necessary. He had addressed the Board last meeting, a direct question to that.

Mr. Van Leeuwen: I make a motion we set them up for a public hearing. Seconded by Mr. Jones.

Mr. Scheible: It has been done other times in the Town where there is a repair shop to be built where a special use permit is to be issued we have gone through public hearings according to our book here this is also necessary in your situation here since carburetors are considered part of the car so your doing repairs on the carburetor if you had a specialized thing like mufflers it would be specialized and it is all part of an automobile repair work so therefore we must have a special hearing and there is no way of skirting around that.

Ms. Janice Acunzo: If the question was raised and everybody at that time said no it would not be necessary if the property notation was made on the site plan everybody was in total agreement at that point it is almost as if you are going against yourselves.

Mr. Rones: You are misconstruing the minutes of the May 27 meeting containing a remark by Mr. Edsall if you are working on a complete vehicle it is a special permit if you have a bay that would command vehicle repair and service it should be noted what is approved what is permitted use and once special use is permitted since there are going to be vehicles parked or worked on in this space it seems to come under the definition of repair garage which is contained in the zoning ordinance which is any garage which is used for storage and repair or motor vehicles when you are working on carburetors, vinyl roofs or tires I don't think it doesn't seem to me and apparently it doesn't seem to the rest of the Board that just working on a piece of a car takes it out of the definition of being a repair garage or repair shop as set forth.

Mr. Acunzo: The only objection I have is that we haven't told every one our intention and the building was completed in February and this is still dragging on and we keep coming back and talking changes and this was addressed last meeting I figures the Town Board would determine that if the hearing was necessary the next meeting it should have been brought out I think and now it is brought out. It was brought up at the last meeting and they assumed that the Town Planning Board that they could waive that.

Mr. Van Leeuwen: Our attorney wasn't here at the last meeting and he has got to keep us advised of all legal things and this is what we have to do to make it legal.

Mr. Ronen: There was an assumption perhaps that a part of the automobile might be worked on in this building exclusive of the rest of the car it doesn't seem from looking at the minutes that it was clear there was going to be a bay here and that vehicles were going to be driven in or taken in and worked on in there. I think there might have been a misapprehension that people just bring in carburetors for work.

Mr. Acunzo: It was crystal clear in February. We kept coming back and it keeps getting put off.

Mr. Mc Carville: When that building was completed in February it was completed as a professional office building not a retail store and repair shop.

Ms. Acunzo: The Town has lost our entire file. There are some things that the Town has done.

Mr. Acunzo: Originally our attorney presented it as office building with also the premise that if we needed the space we'd take it over. We just bought the property last July and so he presented it with the future that we might take it over and use it as such and that is in the minutes it is on the original application as garage and office.

Mr. Van Leeuwen: I can't see prolonging this we have to do what is right and legal I call for a vote.

Mr. Scheible: We have a motion and second on the floor that a public hearing be set up for the New Windsor Carburetor site plan special use permit.

Mr. Acunzo: That is dated May 27 I never received that I only received that from the Town when I asked for the minutes to be xeroxed. I never got a copy of the May 27 letter. In the minutes there is a letter from the Town engineer noting the May 27th meeting.

Mr. Babcock: That is a report that the engineer gives on every site plan or subdivision.

Mr. Acunzo: Last time we go to copy of it.

Mr. Babcock: You were mailed a copy of it?

Mr. Acunzo: Yes.

Mr. Babcock: Usually what happens whoever represents you gets that we don't

send them directly to the people. We handle everything with the representative.

Mr. Scheible: That might have been to your representative you had previously.

Mr. Acunzo: We had a conversation with the engineer and said we did not have him representing us and at that point he should have made us aware of what that letter was about.

Mr. Roncs: Is this the letter regarding the electric service?

Mr. Acunzo: It was in the May 27 meeting.

Mr. Mc Carville: He was looking for Mark's engineering report.

ROLL CALL:	MR. JONES	AYE
	MR. REYNS	AYE
	MR. SCHIEFER	AYE
	MR. LANDER	AYE
	MR. MC CARVILLE	AYE
	MR. SCHEIBLE	AYE
	MR. VAN LEEUWEN	ABSTAIN

Mr. Dragon: Are there any other comments on the site plan?

Mr. Scheible: I have no other further comments.

Mr. Edsall: Mike Babcock is making a copy of the comments from the May 27 minutes and giving it to the applicant.

Mr. Babcock: They got it from my office.

Mr. Scheible: Do you have any comments on the site plan?

Mr. Mc Carville: The changes that were made with the markings resolves everything.

Mr. Schiefer: I have no objection to the site plan whatsoever.

Mr. Scheible: Just a matter of going through the public hearing.

Mr. Dragon: Will we automatically be set up?

Mr. Babcock: Come into my office and do the paperwork on it.

Mr. Dragon: Thank you.

STARR HOMES SUBDIVISION (96-73)

Mr. Lou Grevas came before the Board representing this proposal.

Mr. Grevas: Following the receipt of the comments of Mark Edsall of the 13th of May I made the revisions to the plans in accordance with the comments specifically sanitary sewage disposal system notes shown the stream over here adjacent to lot 1 shown the proposed house location sanitary system areas, well

should check out the road. We don't know if it is a 50 foot wide right of way or if it is a Town road.

Mr. Harris: It is a Town road. I only have a map stating how many feet which is on here and where the next house would be. But I didn't get a letter this is why I came here.

Mr. Reynolds: Those are the items that should be taken care of on the map.

Mr. Van Leeuwen: Show what the zoning is.

Mr. Babcock: He was denied by the Planning Board because of the area and he went to the Zoning Board and had received his variance. I was at the meeting so I can verify he did receive it.

Mr. Reynolds: I strongly recommend until water is available that this project be rejected. That is what the memo says. Is there water there?

Mr. Babcock: No.

Mr. Mc Carville: I don't think we can reject the plan based on that.

Mr. Van Leeuwen: I can't reject it because it doesn't have Town water on it.

Mr. Reynolds: I don't think that is the idea here.

Mr. Babcock: That is actually the reason they had the variance, if he had water he wouldn't need a variance.

Mr. Reynolds: I think the other problem is the other items that have to be shown on the map. Internal metes and bounds for lot number 1 and 2 or a note on there. And the map should show that it is a subdivision. I think if you correct these things everything else is ok.

Mr. Mc Carville: The metes and bounds between the lots are not shown.

Mr. Van Leeuwen: Take that back to Mr. Kennedy and have him make those changes and it is ok with me as far as I am concerned.

Mr. Harris: Thank you.

NEW WINDSOR CARBURATOR (87-11)

5/27/57

Andrew Krieger: I think you have copies of the map. There are a number of things that the engineer suggested and since I want to show the Board. This is an amended site plan because there was a split of a use that the applicant wanted to add that to their prior application, in that context when the Board looked at it a second time there were a number of concerns that were reported that the Board expressed and Mr. Edsall went out and reviewed the project and produced a memo which I see everybody has a copy of, they had some 17 items on it and that needs to be addressed and I think they have been addressed and I'd like permission to show the Board where they have been addressed and what has been done. Number 1, the parking spaces 1,2,3 and 14 are to be removed as you may recall in the prior site plan they were in front of the building. They have

been removed and placed along the side. As you will notice the parking spaces extend where the former building was located. The prior plans did not permit that. Number 2 one was to be designated as handicapped number 3 I think you can see on the row of parking spaces you are right that one has been so designated. The Board wanted a paving detail there, it is on the map it will appear on your lefthand as you look at the map. The treated lumber fence item number 4 you will see detail immediately under where the paving detail is located. Number 5 with your permission I am going to come back to. Number 6 the landscaping in front I think that is now indicated on the plan. In connection if you will skip to number 6 required that the landscaping be taken off the DOT right of way I am taking it out of order because it relates to the landscaping I think you will see there is no landscaping specified on where the right of way would be. Where the property line is delineated and all in the front there and all the landscaping is now provided on the application properly. Item number 7 the sidewalk in front of the proposed retail store generally I think that is clearly indicated on the map. Traffic control since there is a detail as I recall it is in your lower righthand. Number 9 the delineation of bays I think that now appears on the map the building that has the two labels the front building is the new as yet unoccupied building. The one in the back pre-existing and that is it.

Mr. Mc Carville: How many bays on the one in the back?

Mr. Krieger: Two bays.

Mr. Babcock: In the new building itself just one.

Mr. Krieger: One with and the other is designated for now going to be the retail space I guess instead of office. With respect to the bond number 10 what I have been advised that no amount has been set or specified so it could not be that could not be addressed. With respect to number 11 which is the overhead wire I think you will find attached to your copy of the memo a copy of a letter from Central Hudson. I think is an indication that Mr. Edsall has accepted from the engineering standpoint that memo from Central Hudson and as indicated explanation of how the electric is going to come in.

Mr. Mc Carville: We haven't seen that at that point.

Mr. Van Leeuwen: Central Hudson said no harm if the wire falls down?

Mr. Edsall: It is attached to the original submitted pack when I gave it to Hank Scheible.

Mr. Reynolds: Mr. Edsall can you give us our version of this?

Mr. Edsall: As far as electrical it both meets Central Hudson requirements and it also meets the appropriate section of the National Electric Code so from engineering standpoint from electrical point it is acceptable.

Mr. Van Leeuwen: It is a second voltage line based on that they have almost 1 1/2 times clearance required by the code.

Mr. Reynolds: No problem.

Mr. Krieger: With respect to number 1 that has been completed. It won't be shown

on the map because I didn't put the items on the map to begin with as a matter of fact that has been completed. With respect to construction Mr. Babcock can you confirm that has been been done.

Mr. Babcock: No I can't really confirm to that but I am sure it has, he started cleaning up and he told me he was going to. We can check that out.

Mr. Krieger: Thirteen is employee parking that is designated on the map.

Mr. Mc Carville: It states 11 through 15.

Mr. Krieger: With respect to the bridge in paragraph 14 that bridge which apparently is a foot bridge was originally constructed we believe by Chet Patlaso when he owned both pieces of property which he no longer does so there is no longer any use or purpose for the bridge. My information is that it has not although its use has been discontinued has not been physically removed if that is an absolute necessity that is something that can be done by the applicant with very little trouble.

Mr. Ryens: No problem with that.

Mr. Krieger: Paragarph 15, the propane tanks have been located now in accordance with the way the building inspector, fire inspector wants it done.

Mr. Babcock: Yes, they have.

Mr. Krieger: 16 I already discussed. 17 with respect to storm water, I think that the only time the storm water is going to be a problem is once the parking lot and so forth are fully paved and as you may recall at the last meeting that I was not present at but there was some discussion about that apparently this has been a storm sewer put in recently and the property is still in the process of settling. Which is primarily the reason it has not been paved so far and in my opinion should not be paved until the settling takes place otherwise you are donating blacktop to a hole in the ground.

Mr. Jones: How many times are you talking about settling? Somebody would say a year or 2 years.

Mr. Van Leeuwen: How deep was the trench.

Mr. Babcock: The ditch was big I saw it myself they had a problem and when the backhoe dug a hole 13 feet in diameter...

Mr. Van Leeuwen: How deep was it?

Mr. Babcock: I am not sure it was pretty deep. At least 5 deep.

Mr. Acunzo: It was about 30 by 12 feet deep they broke the main putting the sewer in and the Town responded somebody was there and it has been repaired but we still have the hole it was down to the sewer level, 12 feet.

Mr. Babcock: What we do is before they get the C.O. on the building myself and the engineer will go back out and do an inspection of the site and they will put up a bond for anything they are not done with if the blacktop is not done they feel the settling isn't done they will have to bond.

Mr. Krieger: And you will determine what the appropriate amount would be.

Mr. Babcock: Yes.

Mr. Acunzo: Central Hudson is putting that gas main on 207 and they advised not to blacktop until the main they are going to complete this summer so we have to wait for then.

Mr. Krieger: The only other thing which I asked to leave until the end number 5, erosion control. After apparently Mark wrote this memo John Dragon who is the engineer and surveyor who prepared the plans got back in touch with them and pointed out certain things about the weather and what had transpired since the memo was written which were true remember we had at about that time a rather dramatic rainfall an awful lot of rain fell probably at least a 50 year storm. I am just guessing. So I would ask at this point nothing specific has been done about erosion control we don't think at this point wasted on what we have seen the storm this spring that it is a problem or anything needed to be done in any case nothing specific was said and I would ask Mr. Edsall at this point if he has any amendments of any kind the since when he wrote the memo based on weather and what has transpired since then.

Mr. Edsall: As far as the drainage the additional comment I have provided to the Board under that it really is since it is not an easement it is part of the property it is the applicant's responsibility to maintain it. As far as the storm that occurred it was just in the range of a 25 year storm if that because it was recorded by the State at Stewart and in fact there are going to be much more severe storms. I have no problem with the applicant taking a burden of maintaining it in a safe fashion. I have no problem if will go on record indication they will monitor the condition and maintain it in a safe fashion and the Town won't be involved at all.

Mr. Krieger: It wasn't anything specific you were looking for other than the applicant recognizing the fact it was their problem.

Mr. Edsall: This was from what we went over in the field things we'd like to see there engineer address and he has reviewed it and we feel it is adequate if he wants to take the position I'd say fine as long as they are aware they will keep an eye on it. It is only 15 feet away from the building.

Mr. Krieger: And they'd be the first people who's suffer. I think they'd have the most motivation to correct it before anybody else. That being the case I think the items addressed by Mr. Edsall in his memo which appear to be very thorough have been taken care of and we would ask the Board at this point for approval of site plan amendment.

Mr. Mc Carville: The proposed auto repair shop in the new building is that the same use?

Mr. Krieger: Generically it is referred to as auto repair shop actually they are in the business of repairing carburetors. So we are not dealing with massive auto repairs but since we have to have a lift to lift the car up.

Mr. Van Leeuwen: Do we have to have a hearing for the change of use?

Mr. Reynolds: I don't know. That is what I was coming to.

Mr. Edsall: If you are working on complete vehicles then it is a special permit. If you have a bay and you are bringing in vehicles my interpretation is that would command vehicle repair service. It should be noted what is approved once a permitted use once special is permitted.

Mr. Mc Carville: I'd like to see space number 1 eliminated. You have to back out at an angle and you have a one way path of traffic coming in there I can just see a car backing out of one and something trying to turn in there.

Mr. Krieger: I can certainly understand your concern there is a couple things I'd point out however. Even though this shows number one is right on the property line in fact we know that the property line is something that is not physical mark on the ground there is actually some physical space before the car would hit the concrete curb. I think there is adequate space here. If it turns out as a matter of practice that that becomes a hazard there is certainly additional space to put another one up on top of the road but I would think that that might be best something left to the practice and what actually happens to see whether that is true or not.

Mr. Van Leeuwen: There is almost 20 feet between the road pavement and DOT right of way.

Mr. Reynolds: Your question is Dan that someone backing out of space 1 when someone is entering making a lefthand turn into the lot coming south on 207 it could create a hazard. We should have a little more space there giving a car plenty of room.

Mr. Lander: If you eliminate the first one you only need 13 parking spaces. If you eliminate the first one you have 14.

Mr. Van Leeuwen: When people pull in and out they have to have control of their autos.

Mr. Krieger: That certainly can be done two things you had pointed out, 1 if that turns out to be the only change I think for a plan that is somewhat a dubious gain it will result in a lot of additional time and expense the applicant has to go to and this is for a project of this size is perhaps not appropriate.

Mr. Mc Carville: That is not appropriate? Here you have 1.3 acres behind here that I think we have to take a look at what is going to happen there and how this traffic is going to flow as this becomes developed.

Mr. Acunzo: You sent the engineer out the engineer designed this to look good that way and everybody else is going that way.

Mr. Mc Carville: I am not fighting this I am making a point.

Mr. Acunzo: Doesn't he suggest how the parking should be, he is qualified.

Mr. Edsall: Comment as I noted in my report without knowing the uses and the square footage or the use I don't know if there is enough or too much we haven't determined what parking is required. I asked that at the field meeting and I

still don't know because there are numbers on the plan but they don't show what the basis of the numbers are. I'd like to know that we have enough spaces. They showed requirement of 13.

Mr. Van Leeuwen: Didn't we originally approve this with 15?

Mr. Krieger: 14.

Mr. Babcock: But there is office space but now we are changing it.

Mr. Krieger: There is no argument they are entitled, all you would say is since the amendment has been applied for the applicant has been in here at least once and there is no mystery here as to how many parking spaces there were. Nothing is left vague or left out matter of fact it was quite clear it was considered and I think the applicant assumed that having been here once and brought up the parking places and haven't been addressed by the engineer that the number was satisfactory had that not been the case of course when the whole thing had to be redone for this appearance they could have added whatever parking spaces the Planning Board told them they wanted. We have an unused portion of land that is not used so it is not a problem space wise. But I think in fairness...

Mr. Van Leeuwen: The building is 40 by 14?

Mr. Edsall: As I noted in the memo number 9 that they please delineate bays and area used for repairs such that parking requirements can be verified that was not addressed that is the question I am re-asking at this point.

Mr. Van Leeuwen: I see the line drawn there through the center of the building.

Mr. Krieger: Existing building.

Mr. Van Leeuwen: I think what Mark discussed what you see here too he has a building 40 by 40 you don't have it broken down by footage how many feet is used for repair shop and how many feet for the proposed retail store? Then we can break out how many spaces we need.

Mr. Mc Carville: Looks like the building is 40 by 40 looks like it is split in half.

Mr. Krieger: I think that is the intent.

Mr. Van Leeuwen: For retail how many?

Mr. Edsall: One goes by square footage.

Mr. Babcock: Is that center partition centered?

Mr. Acunzo: Just about.

Mr. Babcock: It goes by square footage and by bay or service repair. And then if it is a service repair or parts repair.

Mr. Edsall: If you count by bay it is 4 spaces per bay and one space per 300 square feet outside service for retail stores it goes to a different amount which is 1 per 150 square feet. So depending on they haven't shown the

information I need to figure out what they need and prior to final I'd want to see that.

Mr. Van Leeuwen: Repair shop you need four parking spaces for every bay so here you had 8 parking spaces. Now if we go to retail store 1 parking space for every 150 square feet you have 800 square feet divided by 150 you need 5. He has enough.

Mr. Reynolds: My opinion would be that if we have enough parking spaces there and that he would like to take Dan's suggestion and eliminate number 1 because that area of 207 is that going to be too much of a problem to eliminate that?

Mr. Van Leeuwen: I think it is time.

Mr. Krieger: My only concern is this is the 6th or 7th revision and all of the comments and concerns of the Board were very well taken but I wonder at this point looking at the map if there is much room left to write additional things in. I think all of the concerns of the Board have been adequately addressed and I would be sorry to see the map if the parking space number 1 is the only difficulty that is left to have the engineer go back and redraw the maps to eliminate that.

Mr. Van Leeuwen: To make sure everything is right eliminate the first parking space and add three more to the back for safety purposes in the back.

Mr. Krieger: Eliminate one or add three or four to the back.

Mr. Edsall: I just calculated based on the ordinance and I come up with a requirement of 18.

Mr. Van Leeuwen: If you do that that will come out to 18.

Mr. Edsall: That is why I like to see them shown on the plan I get 18 he shows 13. That is why we show them on the plan.

Mr. Jones: What about the bridge?

Mr. Krieger: If the Board wants it out it comes out.

Mr. Jones: That is the engineer's note.

Mr. Krieger: I just want to know from the Board that it is fine. But as somebody pointed out it is the Board that controls. We are not arguing.

Mr. Babcock: I think possibly the Board should clarify what type of use that is whether it is going to require a special permit tonight or not.

Mr. Edsall: We had verified in the ordinance if you do issue a special permit it needs a public hearing. It is just for carburators then it is not a special use.

Mr. Babcock: Once we had that discussion whether that is going to be general automotive or carburator.

Mr. Krieger: You have no problem stipulating carburator.

Mr. Acunzo: It is carburator but existing repair there now. The new building is just carburators.

Mr. Van Leeuwen: It should be carburator repair shop.

Mr. Reynolds: The reason is for permitted use.

Mr. Krieger: We will add that in the designation on the map or by some note or by a note to make it clear that it is limited and not for general auto repair.

Mr. Mc Carville: What is the use for the proposed?

Mr. Krieger: Speed shop.

Mr. Edsall: As far as the area over the easement they are paving over the easement are they willing if the Town has to do repairs the Town doesn't want to be in a position to repair it.

Mr. Krieger: Whether they are willing to or not they are stuck with it.

Mr. Edsall: If the Town has to go in it is not the Town's burden to have to repair the paving in the easement area.

Mr. Acunzo: The paving over the sewer easement. Why wouldn't the Town pay for that?

Mr. Mc Carville: The easement is granted the use of the area over that restricts the fact that improvements on it the Town can say that work should be done and since you are using it...

Mr. Acunzo: You are requiring the paving over it.

Mr. Edsall: We are not requiring it, there is plenty of room behind it that you can put the parking.

Mr. Van Leeuwen: You don't have much choice if I were you I'd say yes otherwise you are going to be back again.

Mr. Mc Carville: On the speed shop do they sell stuff to take out?

Mr. Krieger: Retail sale of motor oil they don't install anything you take it with you. Cash and carry.

Mr. Reynolds: Thank you.

CBC MANAGEMENT SUBDIVISION (86-78)

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Kennedy: What we did was we had the engineer prepare a second sheet blowing up the lots showing the information Mr. Edsall wanted on the map.

Mr. Reynolds: You have given us a 24 foot right of way.



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CONSULTING ENGINEERS P.C.

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WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

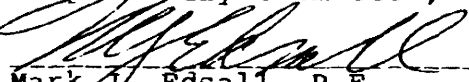
Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: New Windsor Carburetor
PROJECT LOCATION: Route 207
NW #: 86-42
27 May 1987

- 1). Pursuant to the Planning Board's request, this writer and Michael Babcock, Building Inspector, visited the subject site and met with the Applicant. Items discussed are recorded in my Memorandum dated 8 April 1987 (copy attached).
- 2). The Applicant was previously instructed to clarify the actual uses shown for the structures. The latest plan indicates that the rear section of the front structure is for a proposed auto repair shop. This use is not a use permitted by right for the NC Zone; the use requires a special permit.
- 3). The Applicant has failed to delineate a floor area utilized for sales purposes and the number of bays for the repair shop, such that the parking requirements can be verified.
- 4). With regard to the open drainage course running through the western section of the property, the Applicant's Engineer indicates that the slope of same is suitably stable for the construction of a fence at the top of the slope and construction of a one-way drive for exiting vehicular traffic. The indicated 15' width for such drive is acceptable. The Applicant should be advised that it is fully his responsibility to maintain the drainage course and maintain safe conditions for such traffic.
- 5). The Board should take special note of comments 14 and 15 on my Memorandum dated 8 April 1987.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEfmd



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Associate

Licensed in New York,
New Jersey and Pennsylvania

MEMORANDUM

TO: HENRY SCHEIBLE, CHAIRMAN
FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER
SUBJECT: NEW WINDSOR CARBURETOR SITE REVIEW
DATE: 8 APRIL 1987

On 3 April 1987 this writer and Michael Babcock, Building Inspector, visited the subject site to make a field review, pursuant to the Planning Board's request. Items of discussion in review are as follows:

1. Parking spaces 1,2,3 and 14 are to be removed and the parking along the easterly property line extended, thereby promoting more acceptable traffic flow within the property.
2. The fourth parking space in from Route 207 will be converted to a handicapped parking space.
3. The Applicant should submit a paving detail for the proposed paved surface.
4. The Applicant indicates their intent to delete the timber guide rail on the west side of the site and, in place provide a treated lumber type fence. A detail of this fence should be provided on the plan.
5. The Applicant was advised that some type of erosion control provisions should be made on the easterly bank of the stream to prevent erosion behind the fence and potentially under the driveway as indicated.
6. The Applicant indicates the intent to provide landscaping in the front of the proposed retail store including planters and some type of separation between pedestrian areas in the front of the store and the driveway on the west of the building.

MEMORANDUM

TO: HENRY SCHEIBLE, CHAIRMAN
FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER
SUBJECT: NEW WINDSOR CARBURETOR SITE REVIEW
DATE: 8 APRIL 1987

7. The Applicant indicates their intent to install concrete slab/sidewalks in the front of the proposed retail store.
8. The Applicant indicates their intent to provide traffic control signs to control traffic flow through the site.
9. The Applicant has been instructed to include delineation of bays and areas used for vehicular repair versus parts supply or parts repair on the Plan such that parking requirements can be verified.
10. The Applicant has been advised that such that the Building Inspector can issue a Certificate of Occupancy, a bond must be posted to cover all site improvements shown on the plan finally approved by the Board, but not completed at the time of issuance of the C.O.
11. With regard to the overhead utility line extending from the south side of Route 207 to a utility pole on the east of the existing repair shop building in the rear, attached hereto is a letter from Mr. Bob Hyzer, Central Hudson Gas and Electric Corporation dated 27 March 1987 which indicates that the installation as existing on the site complies with the spacing requirements for secondary service wires to a structure. My review of Paragraph 230-4 of the National Electric Code indicates that service-drop conductors must have at least an 8' vertical clearance from the roof to the conductors. Therefore, based on this code requirement, and my field observations, I feel that the installation (as existing) complies with both the National Electric Code and Utility Requirements.
12. The Applicant should, as soon as possible, be requested to clean up all waste construction materials on the property to promote good aesthetics of the site.
13. The Applicant has indicated that the parking area to the north of the front face of the existing repair shop will be reserved for employee parking and will be a shale surface.


MEMORANDUM

TO: HENRY SCHEIBLE, CHAIRMAN
FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER
SUBJECT: NEW WINDSOR CARBURETOR SITE REVIEW
DATE: 8 APRIL 1987

14. The Board should request that the Applicant have the makeshift bridge that has been constructed over the stream to the north of Route 207 removed as soon as possible since this item creates a potential hazard.
15. The Applicant should show that the two propane tanks located on the west side of the proposed retail store and auto repair shop be relocated in a manner acceptable to the Building Inspector and Fire Inspector.
16. The Applicant was advised that their landscaping indicated off the property and within the State DOT right of way is unacceptable and all such landscaping as submitted should be on their property.
17. The Applicant should address stormwater removal from the parking areas, as necessary.

A copy of this memorandum is being sent to the Applicant and the Applicant's Engineer such that all items indicated on this memorandum can be addressed for the resubmittal. It should be clear to the Applicant that this list is not intended to be reflective of all requirements of the Town of New Windsor Code, but rather this list is being provided to assist the Applicant in their submittal of a more complete Site Plan to the Planning Board. A copy of the current Town of New Windsor Site Plan Checklist is attached to further assist the Applicant.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEnjE

CENTRAL HUDSON

GAS & ELECTRIC CORPORATION

410 LITTLE BRITAIN ROAD, P.O. BOX 2336, NEWBURGH, N.Y. 12550

(914) 561-1000

March 27, 1987

Thomas G. Acunzo
DBA: N. W. Carburator
556 Little Britain Road
New Windsor, New York 12550-6819

RE: Account #8922-0903-00

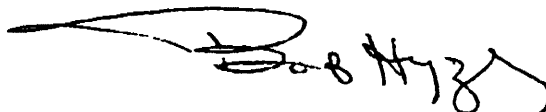
Dear Mr. Acunzo,

This is in regard to the secondary service wires that are above your new building.

The voltage to ground or neutral from the energized conductor is 120 volts. The required minimum clearance from a roof to this conductor is eight (8) feet. The clearance from your roof is in excess of ten (10) feet.

If you have any questions, please call me.

Very truly yours,



Bob Hyzer
Commercial Consumer
Counellor

BH/dc

seepage pipes and then you place gravel in the trenches then you lay your pipes in that. You try and fit your pipes as close to the top as possible because the idea of these beds is that it evaporates, the sun does it.

Mr. Mc Carville: Are they clay lined?

Mr. Cuomo: On the sides are impervious material which can be native or brought in but it should be of impervious nature. That is to keep the gravel from falling apart.

Mr. Reyns: Thank you. You have taken care of the road, septic, driveways the only thing I see is a problem is that the engineer has not looked it over because you didn't get it to him on time. Any other questions on it?

Mr. Van Leeuwen: I don't see anything.

Mr. Reyns: The only question I have is that the engineer didn't get them until this afternoon and we have to rely on what he has to say. You have to come back but as far as we are concerned, everything looks favorable.

Mr. Kennedy: I'd like to be put on the agenda for next week.

WHA SITE PLAN (87-12)

Mr. Cornacchini came before the Board representing this proposal.

Mr. Reyns: According to the engineer's report you were to have some comments reviewed on the site plan.

Mr. Cornacchini: I missed the last meeting but there was a list of items that was requested for inclusion and I believe we complied with all the requested items and 14 copies of the plans were submitted three weeks ago for review. To go over it quickly the items transferred to me as being recommended or requested to be included was the one way traffic arrangement of parking in the front, from the last meeting the recommendations were to create one way traffic pattern right now this access is two way and this is one way and we have created one way in the western traffic and exit on the eastern side with no parking in the front. The other recommendation was to install a fire hydrant in back corner of the building which we have shown and another recommendation or request was an access drive off the parking lot to the rear of the building which we have also shown. And the last request that I read in the minutes was to increase the parking area for total of 120 cars and the increase over what we originally had shown was initially allowed to be shaled rather than hard surface and that is also what we have shown here. There was also a question of overflow possibly connection to the Town lots since the last meeting we have a letter back from the Town Board saying that they can't make a determination on that request until they resolve their own problems of the addition to this building. On the plan I have a dotted area of where the walk would go and it is all predicated on approval by the Town to use their lot.

Mr. Reyns: What is the drive in the back what is the width?

Mr. Cornacchini: Ten foot drive here and there is a turnaround spot it is just an emergency access.

Mr. Reynolds: That is indicated for fire apparatus.

Mr. Cornacchini: Yes.

Mr. Reynolds: Ten foot is that going to be enough?

Mr. Cornacchini: It is just really a way in so they don't have to drive over the grass.

Mr. Van Leeuwen: They have complied with everything.

Mr. Reynolds: According to your remarks you want to address some of these.

Mr. Edsall: A lot of the previous comments I am reporting to the Board the parking although I can appreciate the significant improvement in the number the question still arises are they in compliance?

Mr. Cornacchini: I believe we are. We have gone over it a number of times. With the increase I believe we are I feel this falls under a membership club not outdoor recreation.

Mr. Edsall: And based on those requirements you need 183.

Mr. Cornacchini: 1 to 15.

Mr. Edsall: We need you to document the membership.

Mr. Cornacchini: It is a list of senior membership to date people over 18 that are members comes to 16,31 and divided by 15 is 109 so the other 11 would take care of whatever influx or increase there might be with the building. I will submit that now. There is a rise of men and women over 18 that belong to the Y and the total comes to 1631.

Mr. Edsall: I have no problem but I suggested they try that avenue to save some space. The other question I have is with regard to the bulk table is the rear yard set back being created by the addition? One hundred foot requirement and based on the proposed addition it is 55 feet and secondly the development coverage allowable is 20 percent and as shown on the plans they are proposing 23 I have two other areas not in compliance.

Mr. Cornacchini: I don't find any requirement in P1 for the rear yard of 100. Almost all the facility is in the P1 and are 50 or less. Almost all the uses allowed in P1 have no coverage requirements. So what I contend is that if I was to come in with a manufacturing facility that would allow me to cover the entire site this use is a much more agreeable one which I believe 35% is not excessive.

Mr. Babcock: The situation here is that it is in a P1 zone but is is an R4 use and if it is not permitted in a P1 zone you can't use P1 bulk tables so you have to drop back and use the use tables where it is permitted and that is where we are taking the calculations from. You can't use P1 use.

Mr. Edsall: There is no listing for membership club in P1. You can't use warehouse facility or membership club. So membership club the only place you get regulations for is in the R4 you go by the use.

Mr. Reynolds: What does the R4 say?

Mr. Babcock: 100 foot setback rear yard.

Mr. Edsall: I had asked for clarification from the attorney I am not sure if it is an appropriate manner to do it. It is the only way I had to do it.

Mr. Reynolds: He didn't give us an answer.

Mr. Edsall: I haven't had any clarification.

Mr. Cornacchini: I thought this item was already resolved. According to my minutes that was not one of the requirements. I contend you can carry the R4 requirements into P1 zone it is not use the use is in another district the other district determines coverage because you don't want to impact residential buildings allowed also in the zone in this zone you are dealing with individual manufacturing facilities which are allowed to encroach closer and the fact that this use is being used in the zone elevates need to go by a residential zone.

Mr. Edsall: I just want the Board to be aware of it. I see no problem because the adjoining neighbors are going to have the setback already.

Mr. Van Leeuwen: "That the Planning Board of the Town of New Windsor approve the YWCA Site Plan." Seconded by Mr. Jones.

Roll Call:	MR. JONES	AYE
	MR. VAN LEEUWEN	AYE
	MR. MC CARVILLE	AYE
	MR. LANDER	AYE
	MR. REYNS	AYE

EXXON SITE PLAN (86-70 (87-3)

Mr. James Loeb: I am appearing on the Exxon site plan with John Nelson PE from Exxon who had just driven up from Philadelphia. This site plan proposal has been previously presented to the Board and consists of 3 specific proposals. The first is a 12 by 15 storage shed perhaps John you can locate that shed to make it easier for people to see. The second aspect of it is the water draw off system which includes two separate pipes that system meets all DEC regulations and the third is the additive system with the above ground tank I think you will recall that when he came in here initially we arrived about three days after the imposition of the moratorium so we had to wait until that was resolved. We received copies of the local law from the Town Board while it was in the planning stage and we were able to design our tanks to meet the local law. The Town Board was very helpful letting us see what they were working on we have submitted all the material to your engineer and it is my understanding that he has an opportunity to review it and that I hope I am correct there are no problems with what has been submitted so far.

Mr. Edsall: You have no problems with it.

Mr. Reynolds: I have reviewed the engineer's comments here and I see that he is in agreement with everything except Mark would you enlarge on the depth of the

ANDREW S. KRIEGER
ATTORNEY AT LAW
219 QUASSAICK AVENUE
SQUIRE SHOPPING CENTER, SUITE 7
NEW WINDSOR, NEW YORK 12550
(914) 562-2333

May 8, 1987

New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12550

Attn: Henry Scheible, Chairman

Re: New Windsor Carburetor

Dear Mr. Scheible:

Enclosed are a further amended application for site plan approval, copies of the amended application and application which were previously filed with the Planning Board, 14 copies of the amended site plan and a check in the amount of \$25.00.

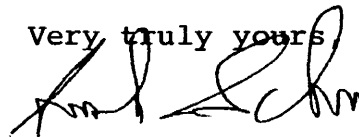
Please note that although the site plans are not marked amended site plans, previous site plan approval has been granted by this Board within one year of this application for amendment.

Also enclosed herewith is a short Environmental Assessment Form. I believe that an Environmental Assessment form has already been filed with the original application, but a new form is enclosed so that your file will be complete.

It is currently my understanding that the matter is on the Planning Board agenda for May 27, 1987.

Thank you.

Very truly yours,



ANDREW S. KRIEGER

ASK:mmn
Encls.

P.S. Please note that Mr. Acunzo will be dropping off a check directly for any fees that are due. He will be there sometime this week.

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

FURTHER AMENDED

APPLICATION FOR SITE PLAN, LOT-LINE CHANGE
OR SUBDIVISION PLAN APPROVAL

1. Name of Project New Windsor Carburetor
Acunzo
2. Name of Applicant Thomas G. and Janice Phone 564 5677
Address 37 Keats Drive, New Windsor, NY 12550
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Thomas G. & Janice Acunzo Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan John S. Dragan, L.S. Phone 496 6956
Address Perry Creek road, Washingtonville, New York 10992
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney Andrew S. Krieger Phone 562 2333
Address 219 Quassaick Avenue, New Windsor, New York 12550
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the East side of Rt. 207
(Street)
_____ feet North
(Direction)
of Intersection with Union Avenue
(Street)
7. Acreage of Parcel 1.397 8. Zoning District N/C
9. Tax Map Designation: Section 3 Block 1 Lot 23.1
10. This application is for garage, offices, repair shop and/
retail store
11. Has the Zoning Board of Appeals granted any variance or a
special permit concerning this property? No

If so, list Case No. and Name _____

12. List all contiguous holdings in the same ownership
Section 3 Block 1 Lot(s) 2.1

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

_____ being duly sworn, deposes and says
that he resides at _____
in the County of _____ and State of _____
and that he is (the owner in fee) of _____

(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized _____ to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

11th day of May 1987
Andrew S. Krueger
Notary Public

Thomas G. Acunzo
(Owner's Signature)
THOMAS G. ACUNZO
Thomas G. Acunzo
(Applicant's Signature)
THOMAS G. ACUNZO
owner
(Title) Owner(s)

ANDREW S. KRUEGER
NOTARY PUBLIC, STATE OF NEW YORK
Qualified in County of Orange
No. 4548178
Commission Expires March 31, 1989
July 31

REV. 3-87

SHORT ENVIRONMENTAL ASSESSMENT FORM

Appendix B Part 617

Project Title: NEW WINDSOR CARBURETOR, INC.

Location: 556 Route 207, New Windsor, New York

ID Number: _____

INSTRUCTIONS:

- (a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered **Yes**, the project may have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

ENVIRONMENTAL ASSESSMENT

	YES	NO
1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will there be a major change to any unique or unusual land form found on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will project alter or have a large effect on an existing body of water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will project have an adverse impact on groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Will project significantly effect drainage flow on adjacent sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Will project affect any threatened or endangered plant or animal species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Will project result in a major adverse effect on air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will project have a major adverse effect on existing or future recreational opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will project result in major traffic problems or cause a major effect to existing transportation systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Is project non-farm related and located within a certified agricultural district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Will project have any adverse impact on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is there public controversy concerning any potential impact of the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FOR AGENCY USE ONLY

Preparer's Signature

Thomas H. O'Donoghue

Date:

5/11/87

Preparer's Title:

Owner

Agency:

Owner

ANDREW S. KRIEGER
ATTORNEY AT LAW
219 QUASSAICK AVENUE
SQUIRE SHOPPING CENTER, SUITE 7
NEW WINDSOR, NEW YORK 12550
(914) 562-2333

June 3, 1987

Henry Scheible, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12550

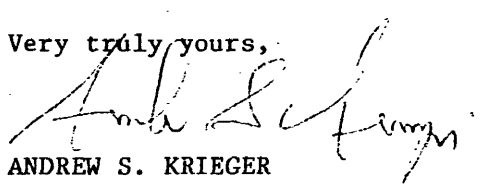
Re: New Windsor Carburetor

Dear Mr. Scheible:

This will advise you that I no longer represent the above-referenced applicant before the New Windsor Planning Board.

Please address all further correspondence or communication directly to the applicant at 556 Route 207, New Windsor, New York, business telephone 564 8400.

Very truly yours,


ANDREW S. KRIEGER

ASK:mmm

cc: New Windsor Carburetor

TOWN OF NEW WINDSOR
PLANNING BOARD
RECEIVED
DATE

JOHN J. DRAGAN, P.E., L.S.
Consulting Engineer and Land Surveyor

PERRY CREEK ROAD
WASHINGTONVILLE, N.Y. 10992

(914) 496-6956

May 1, 1987

McGoey and Hauser
45 Quassaick Avenue
New Windsor, New York 12550
Atten: M. J. Edsall, P.E.

Re: New Windsor Carburetor
Site Plan Review

Dear Mr. Edsall:

I refer to your report on the subject application dated April 7, 1987.


Comment No. 5 refers to erosion control on the east bank of the stream on the applicant's property.

I reviewed the condition of the stream bank on April 26, 1987 and found it stable. There is a natural growth of vegetation (saplings and brush) and there are a number of large stones embedded in the slope. The large storm event experienced in the area during April caused no visible distress whatever on the slope. The storm was probably a 50 to 100 year event.

I see no need for additional protection on the stream bank.

I respectfully request you reconsider your comment regarding the need for additional erosion control.

Very truly yours,


John J. Dragan

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received 3-25-87
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

AMENDED APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project New Windsor Carburetor
2. Name of Applicant Thomas G. and Janice Acunzo Phone 9480 (914) 564-5677
Address 37 Keats Drive, New Windsor, NY 12550
(Street Name & No.) (Post Office) (State) (Zip Code)
3. Owner of Record Thomas G. and Janice Acunzo Phone _____
Address _____
(Street Name & No.) (Post Office) (State) (Zip Code)
4. Name of Person
Preparing Plan John J. Dragan, L.S. Phone _____
Address Perry Creek Road, Washingtonville, NY 10992
(Street Name & No.) (Post Office) (State) (Zip Code)
5. Attorney Andrew S. Krieger Phone (914) 562-2333
Address 166 North Plank Road, Newburgh, NY 12550
(Street Name & No.) (Post Office) (State) (Zip Code)
6. Location: On the East side of Rt. 207
(Street)
_____ feet _____ North
(direction)
of Intersection with Union Avenue
(Street)
7. Acreage of Parcel 1.397
8. Zoning District N/C
9. Tax Map Designation: Section 3 Block 1 Lot(s) 23.1
10. This Application is for the use and Construction of _____
Garage and Offices
11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? No If so, list case Number and Name _____
12. List all contiguous holdings in the same ownership
Section 3 Block 1 Lot(s) 2.1
3 1 2.1

FOR OFFICE USE ONLY:

Schedule _____ Column _____ Number _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the number and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

13 day of August, 1985

ANDREW S. KRIEGER
NOTARY PUBLIC, STATE OF NEW YORK
Qualified in County of Orange
No. 4548478
Commission Expires March 30, 1987

Thomas G. Acunzo
(Applicant's Signature)
THOMAS G. ACUNZO, Jr.
Owner
Title

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE
STATE OF NEW YORK

_____ being duly sworn, deposes and says

that he resides _____ in the
(Owner's Address)

county of _____ and State of _____

and that he is (the Owner in fee) of (_____ of the _____
(Official Title)

Corporation which is the Owner in fee) of the premises described in the foregoing application and that he has authorized _____

_____ to make the foregoing application for special use approval as described herein.

Sworn before me this

_____ day of _____, 198

(Owner's Signature)

Notary Public



Louis Helmreich
County Executive

Department of Planning & Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner
Paul Costanzo, Director of Community Development

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

D P & D Reference No. NOT 16-677

County I.D. No. 31123

Applicant THOMAS A. UNZO - NEW WINNERS CARBURETOR

Proposed Action: SITE PLAN - OFFICE BLDG.

State, County, Inter-Municipal Basis for 239 Review FRONTAGE/ACCESS NY 207

County Effects: The parcel could be better utilized if the proposed office and parking were located in the large vacant rear area of the existing repair shop. As proposed the orientation of the front parking area encourages motorists to back onto N.Y.S. 207 creating the potential for accidents.

Additionally, it does not seem that landscaping criteria has been addressed. Landscaping would add a degree of quality to the site design.

Related Reviews and Permits N.Y.S. DEPT. OF TRANSPORTATION

County Action: ☒ Approved ☐ Disapproved

Approved subject to the following modifications: _____

7/2/86

Date

Peter Garrison
Commissioner



555 UNION AVENUE
NEW WINDSOR, NEW YORK

SITE PLAN APPROVAL

NEW WINDSOR CARBURETOR

Parking spaces to be eliminated in this area.

SIGNED:

CHAIRMAN

BUILDING INSPECTOR, P.B. ENGINEER,
WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval New Windsor Carhuelson
Subdivision _____ as submitted by
Dragan _____ for the building or subdivision of
_____ has been
reviewed by me and is approved ✓
disapproved _____.

If disapproved, please list reason.

Fred Lugo, Jr. (initials)
HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

BUILDING INSPECTOR, P.B. ENGINEER,
WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval ✓
Subdivision _____ as submitted by
John J. Dragan for the building or subdivision of
Thomas & Janice Acunzo has been
reviewed by me and is approved ✓,
disapproved _____.

If disapproved, please list reason.

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lynnam R. Marten
SANITARY SUPERINTENDENT

May 14, 1987
DATE

86-420

BUILDING INSPECTOR, P.B. ENGINEER,
WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by

J. J. Dragan P.E. L.S. for the building or subdivision of
Thom. & Janice O'Leary - NW Carb. has been
reviewed by me and is approved ✓,
disapproved.

~~If disapproved, please list reason.~~

There is no town water in this area as
yet - Will not interfere -

HIGHWAY SUPERINTENDENT

Stan D. D'...
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received 6/13/86
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid 25

86-42

APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project New Windsor Corporate
2. Name of Applicant Janice A. Acunzo Phone 564-5677
Address 37 Keats Drive, New Windsor, NY 12550
(Street Name & No.) (Post Office) (State) (Zip Code)
3. Owner of Record Chester Palozzo Phone _____
Address Box 23, Rd #2, Silver Stream Road, Newburgh, NY 12550
(Street Name & No.) (Post Office) (State) (Zip Code)
4. Name of Person John J. Dragan Phone _____
Preparing Plan Perry Creek Road, Windsorville, GA
Address Perry Creek Road, Windsorville, GA
(Street Name & No.) (Post Office) (State) (Zip Code)
5. Attorney Andrew S. Krieger Phone (914) 562-2333
Address 166 North Plank Road, Newburgh, NY 12550
(Street Name & No.) (Post Office) (State) (Zip Code)
6. Location: On the East North side of Rt. 207
_____ feet North West (direction)
of Intersection with Union Avenue
(Street)
7. Acreage of Parcel 1.387 ±
8. Zoning District N/c
9. Tax Map Designation: Section 3 Block 1 Lot(s) 23.1
10. This Application is for the use and Construction of _____
Garage and Offices
11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? No If so, list case Number and Name _____
12. List all contiguous holdings in the same ownership
Section 3 Block 1 Lot(s) 2.1
2.2

FOR OFFICE USE ONLY:

Schedule _____ Column _____ Number _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

11 day of June, 1986 Janice A. Acunzo
(Applicant's Signature)
ANDREW S. KRIEGER
NOTARY PUBLIC, STATE OF NEW YORK
Qualified in County of Orange
No. 4648478
Commission Expires March 30, 1987
Notary Public Title
OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE
STATE OF NEW YORK

_____ being duly sworn, deposes and says
that he resides _____ in the
(Owner's Address)

county of _____ and State of _____
and that he is (the Owner in fee) of (_____ of the _____
(Official Title)

Corporation which is the Owner in fee) of the premises described in
the foregoing application and that he has authorized _____

_____ to make the foregoing application for
special use approval as described herein.

Sworn before me this

_____ day of _____, 1986
(Owner's Signature)

Notary Public

PAUL V. CUOMO, P.E.

Consulting Civil Engineer
335 Temple Hill Road
New Windsor, N.Y. 12550

Tel. (914) 561-0448

PLANNING BOARD

PLANNING BOARD ENGINEER REVIEW FORM:

The maps and plans for the Site Approval _____
_____ as submitted by
John Dragon, P.E. for the building
of New Windsor Carburetor has been reviewed
by me and is approved X disapproved _____

If disapproved, please list reason.

I have discussed the parking with the site engineer and he
agreed to put some changes on the plan.

Changes have been added 8/16/86

Paul V. Cuomo
PAUL V. CUOMO, P.E.

8/13/86
DATE

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval ✓
Subdivision _____ as submitted by
John S. Dragon for the building or ~~subdivision~~ of
Chester Palazzo has been
reviewed by me and is approved _____,
disapproved ✓ _____.

If disapproved, please list reason.

Sewer Service lines are available in that area
However, submitted drawing does not indicate
intended waste disposal.

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

✓ Lyman O. Mastenfe
SANITARY SUPERINTENDENT

6/13/86
DATE



555 UNION AVENUE
NEW WINDSOR, NEW YORK

SITE PLAN APPROVAL

NEW WINDSOR CARBURETOR

The site plan or map was disapproved by the Bureau of Fire Prevention for the following reason(s).

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval _____
Subdivision Silver Stream + 207 as submitted by
Thom. Acunzo for the building or subdivision of
Chester Palozzo has been
reviewed by me and is approved ✓
disapproved _____.

~~If disapproved, please list reason.~~

will not interfere with town's water system -
Town's water main ends at 207 + union -

HIGHWAY SUPERINTENDENT

✓ Steve D. Di...
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

Committee on Professional Ethics

Opinion #342 - 5/30/74 (18-74)

Topic: Conflict of interest;
appearance of impropriety;
practice of partner or
associate of town justice.

Digest: Partner or associate of town
justice may appear before
administrative board or agency
of the town depending on
circumstances.

Code: Canon 9
EC 8-8; 9-1; 9-2; 9-3; 9-6
DR 9-101

QUESTION

OPINION

Since it is a well established ethical principle that no partner or associate of a law firm may accept any professional employment which any member of the firm cannot accept N.Y. State 280 (1973), the real question presented is whether the town justice may so appear.

The answer depends upon, among other things, whether the town is a town of the first class or second class.

Former Judicial Canon 31 provided, among other things, that where judges are permitted by law to practice law:

"...In such cases one who practices law is in a position of great delicacy and must be scrupulously careful to avoid conduct in his practice whereby he utilizes or seems to utilize his judicial position to further his professional success..."

While the provisions of former Judicial Canon 31 have been dispersed among the Canons of the new Code of Judicial Conduct, the absolute prohibitions against private practice in the new Code do not apply to part-time judges. (See compliance statement incorporated in Code of Judicial Conduct.)

In N.Y. State 252 (1972) this Committee stated that it interpreted former Judicial Canon 31 as permitting part-time judges to engage in practice not forbidden by law, before tribunals of which they are not a member, provided the circumstances would not give rise to any possible appearance of impropriety, prejudice or favoritism.

In that opinion it was held that the ethical propriety of a

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

Opinion #342

- 2 -

part-time village justice representing a private client before a zoning board of appeals in the village depends on the circumstances of each particular case, and that such representation would be proper only if (1) it were clear that there were no conflict between his duties to the public as a judge and his undivided loyalty to his client, and (2) there were a total absence of "even the appearance of professional impropriety." The opinion cited Canon 9; EC 9-2; EC 9-3; EC 9-6; EC 8-8; DR 9-101.

We see no reason to distinguish between a part-time village justice and a part-time town justice of a first class town, and, accordingly, adopt N.Y. State 252 (1972) as applicable to the town justice of a first class town, his partners, and his associates.

In towns of the second class the town justice is a member of the town board by statute unless the town has otherwise determined under Section 60-a of the Town Law. The town justice in second class towns where he is a member of the town board may not properly appear before administrative boards or agencies of the town because as a town board member he participates in the appointment of the members of those boards and agencies. Consequently, neither his partner nor his associate may so appear.

SECTION I

<u>LOT #</u>	<u>OWNER</u>	<u>ADDRESS</u>
54.1	Nestor Capifali	25 Creamery Drive
55.1	Raymond Moy	23 Creamery Drive
56.1	Arthur Malagoli	21 Creamery Drive
57.1	Richard Rockwell	19 Creamery Drive
58.1	Landers	17 Creamery Drive
59.1	Grau	15 Creamery Drive
60.1	Craig Wood	13 Creamery Drive
61.1	James Kirkpatrick	11 Creamery Drive
62.1	'Merril Lynch'	9 Creamery Drive
63.1	Esco Credit Corp	7 Creamery Drive
64.1	Walter Woll	5 Creamery Drive
65.1	Currier	3 Creamery Drive
66.1	Celso Rivera	1 Buttermilk Drive
108.1	Tony Pellegrino	4 Buttermilk Drive
109.1	Charles Messina	6 Buttermilk Drive

SECTION II

92.1	Wardrop	28 Buttermilk Drive
93.1	Erminette Johnson	26 Buttermilk Drive
95 ??	M. Giannotti	4 Cheddar Lane
110.1	Anthony Colonna	8 Buttermilk Drive
111.1	Michael Terrible	10 Buttermilk Drive
112.1	Gary Boyce	12 Buttermilk Drive
113.1	Frank Macri	14 Buttermilk Drive
114.1	Flannagan	16 Buttermilk Drive
115.1	Albert Sener	18 Buttermilk Drive
116.1	Michael Depalma	20 Buttermilk Drive

SECTION III

95.1	M. Giannotti	4 Cheddar Lane
96.1	Ambady	6 Cheddar Lane
97.1	Mellon	8 Cheddar Lane
98.1	A. Vecchio	10 Cheddar Lane
104.1	F. Villanueva	40 Creamery Drive
105.1	Charles Graff	38 Creamery Drive
106.1	Reiffenhauser	36 Creamery Drive
107.1	Thomas Classey	34 Creamery Drive
108.1 ??		
109 ??		
119.1	K. Duffy	5 Cheddar Lane
120.1	R. Kinal	7 Cheddar Lane

SECTION 4

101.1 & 101.2	Murray	46 Creamery Drive
124.1	Charles Paternostro	54 Creamery Drive

SECTION 5

<u>LOT #</u>	<u>OWNER</u>	<u>ADDRESS</u>
153.1	Moodna	202 Butterhill Drive
154.1		204 Butterhill Drive
155.1	Guttshall	206 Butterhill Drive
156.1	Benny /Stasi	208 Butterhill Drive
157.1	Gallo	210 Butterhill Drive
158.1	Greeley	212 Butterhill Drive
159.1	Harth	214 Butterhill Drive
223.1	Donaldson	221 Butterhill Drive
283.1	Weber	211 Butterhill Drive
284.1	Munday	209 Butterhill Drive
285.1	Busjia	207 Butterhill Drive
286.1	Meyer	205 Butterhill Drive
287.1		203 Butterhill Drive

SECTION 6

126.1	Sarno	4 Guernsey Drive
127.1	Smith	6 Guernsey Drive
128.1	Jannazzo	8 Guernsey Drive
129.1	Finn	10 Guernsey Drive
130.1	Ferrer	12 Guernsey Drive
131.1	Murtha	14 Guernsey Drive
132.1	Ocasio	16 Guernsey Drive
161.1	Vinci Terrible	322 Butternut Drive
162.1	Paciullo	320 Butternut Drive
163.1	<i>Vince</i> Costa/Tormey, <i>go Anne</i>	318 Butternut Drive
164.1	James Davitt	316 Butternut Drive
165.1	Sami	314 Butternut Drive
166.1	Lenna	312 Butternut Drive
167.1	Cossavella	310 Butternut Drive
168.1	Eller	308 Butternut Drive
169.1	Gilbert Morales	306 Butternut Drive
170.1	William Terrible	304 Butternut Drive
171.1	Ocheltree	302 Butternut Drive

SECTION 7

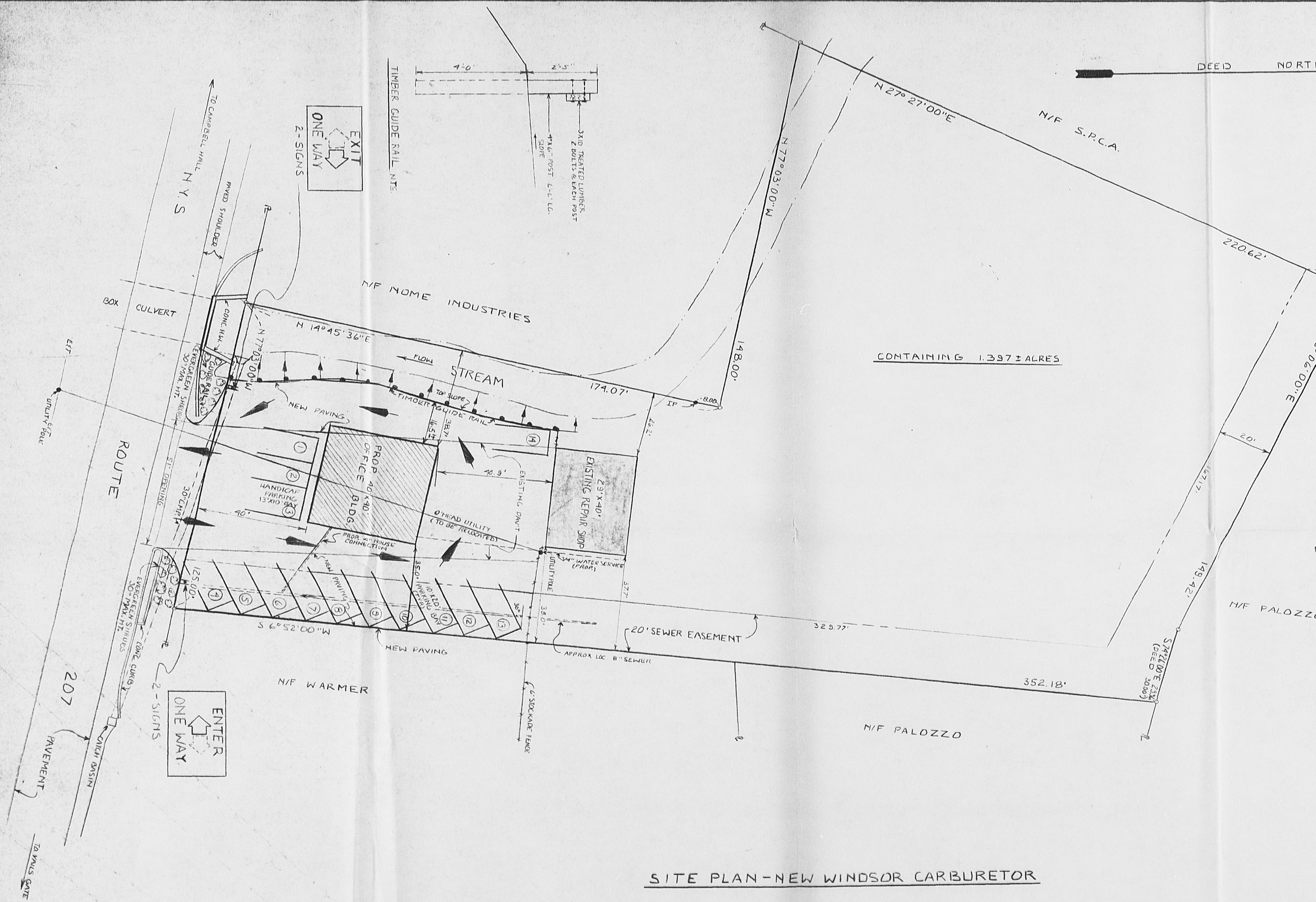
133.1	Tevnan	18 Guernsey Drive
134.1	Kahn/Coogan	20 Guernsey Drive
135.1	Robert Mack	22 Guernsey Drive
136.1	McLaughlin	24 Guernsey Drive
137.1	Robillard/Hutch	26 Guernsey Drive
140.1	Staeth	32 Guernsey Drive
141.1	Hauser/Condron	34 Guernsey Drive
142.1	Marich	36 Guernsey Drive
143.1	Lucas	38 Guernsey Drive
144.1	Sawoska	40 Guernsey Drive
145.1	Koster	42 Guernsey Drive
146.1	Gary Nestor	44 Guernsey Drive
147.1	Malde	46 Guernsey Drive
148.1	Mendillo	48 Guernsey Drive
149.1	Hughley	50 Guernsey Drive

SECTION 7 (continued)

<u>LOT</u>	<u>OWNER</u>	<u>ADDRESS</u>
150.1	Sakellson	200 Butterhill Drive
152.1	Moodna	27 Guernsey Drive
173.1	Jesse/Berlin	203 Dairy Lane
174.1	Ciafardini	205 Dairy Lane
175.1	DeLeo	207 Dairy Lane
176.1	Cortland	209 Dairy Lane
177.1	Levin	211 Dairy Lane
178.1	Oudlipp	213 Dairy Lane
179.1	Walker	215 Dairy Lane
180.1	Vinci	217 Dairy Lane
181.1	Bushwilder	219 Dairy Lane
182.1	Smith	221 Dairy Lane
183.1	McCormack	223 Dairy Lane
186.1	Oliver	214 Dairy Lane
187.1	James Smith	212 Dairy Lane
188.1	Michael Marinelli	210 Dairy Lane
189.1	Mosley	208 Dairy Lane
190.1	Biglin	206 Dairy Lane
194.1	Szmit	13 Guernsey Drive
195.1	Spanakos	15 Guernsey Drive
196.1	John Pagliaroli	17 Guernsey Drive
197.1	Winderbaum	19 Guernsey Drive
198.1	Curry	21 Guernsey Drive

SECTION 8

224.1	Philip Hernandez	98 Creamery Drive
225.1	Gerald Bohr	100 Creamery Drive
226.1	John Dong	102 Creamery Drive
227.1	Michael Burns	104 Creamery Drive
228.1	Rattagliata	106 Creamery Drive
231.1	Charles Moore	333 Butternut Drive
232.1	Keber	331 Butternut Drive
233.1	Craig Wood	329 Butternut Drive
234.1	Scott	327 Butternut Drive
235.1	Andy Maddalena	325 Butternut Drive
237.1	Chiavaro	219 Butterhill Drive
273.1	Babagimnes	340 Butternut Drive
274.1	Wandell	338 Butternut Drive
278.1	Michael Bell	330 Butternut Drive
279.1	Thomas Huggins	328 Butternut Drive



- NOTES:
1. OWNER: THOMAS & JANICE ACUNZO
KEATS DRIVE
NEW WINDSOR, N.Y. 12550
 2. DATE OF SURVEY: MAY 24, 1986
 3. TAX MAP REF. SECT 3, BLOCK 1, LOT 23
 4. DEED REF. LIBER 1356, PG. 302
 5. PARKING-14 SPACES REQ'D-14 PROVIDED
 6. APPLICANT- THOMAS ACUNZO
37 KEATS DRIVE
NEW WINDSOR, N.Y.
 7. ZONING-NC
FRONT YD. 40 FT.
REAR YD. 15 FT.
SIDE YDS. 15/30 FT.

Site Plan APPROVAL GRANTED
 BY TOWN OF NEW WINDSOR PLANNING BOARD
 ON 9-10-86
 BY HENRY P. SCHEIBLE
 SECRETARY



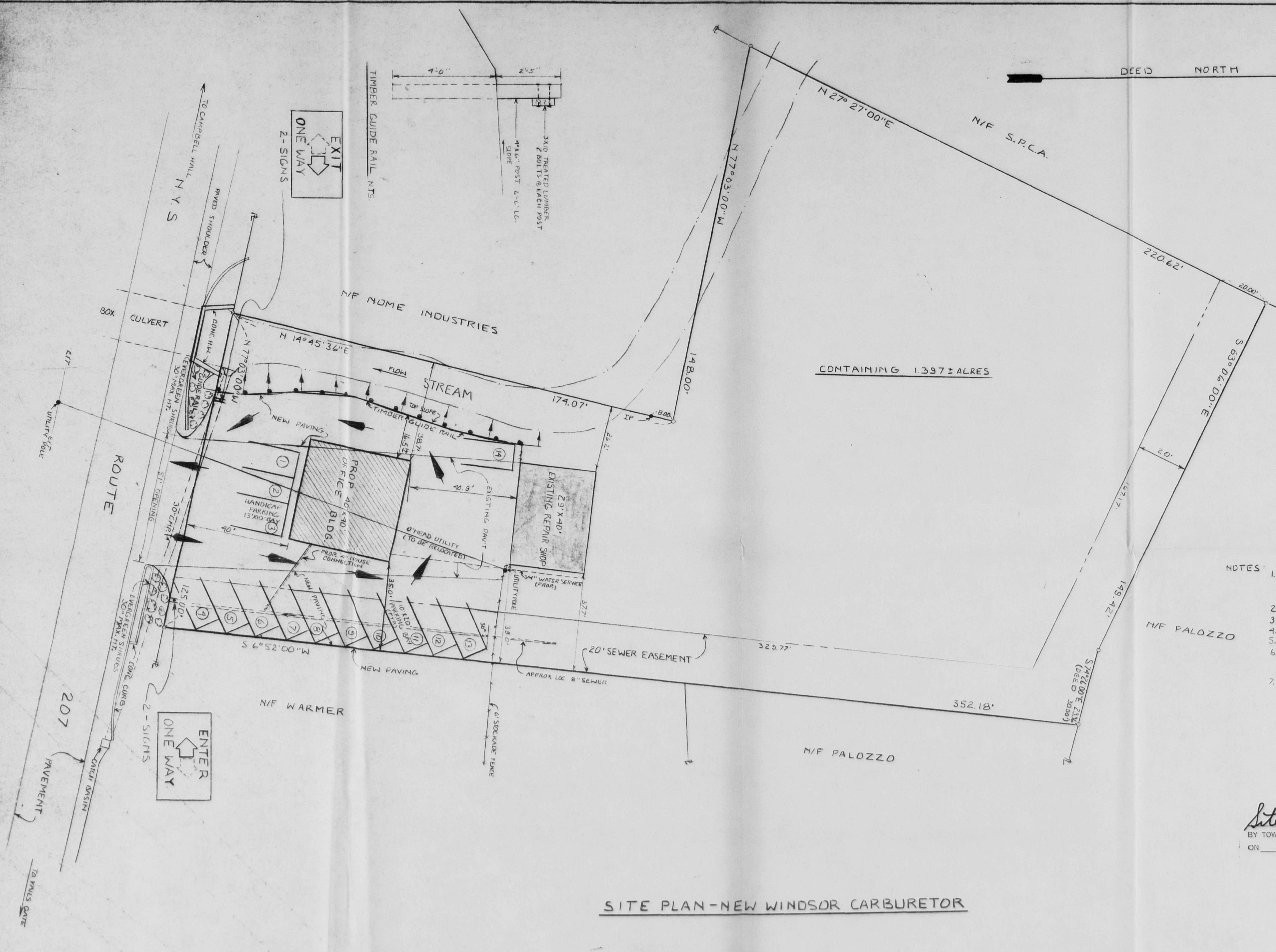
9/14/86

SITE PLAN-NEW WINDSOR CARBURETOR

TOWN OF NEW WINDSOR ORANGE COUNTY, NY.

SCALE 1"=20'
 MAY 30, 1986
 REV: JULY 15, 1986
 REV: AUG. 11, 1986
 REV: SEPT. 3, 1986
 REV: SEPT. 12, 1986
 BY: J. DRAGAN

JOHN J. DRAGAN, P.E., L.S.
 PERRY CREEK ROAD
 WASHINGTONVILLE, N.Y.
 N.Y. L.S. NO. 49170 PE 42601



- NOTES:
1. OWNER: THOMAS & JANICE ACUNZO
KEATS DRIVE
NEW WINDSOR, N.Y. 12550
 2. DATE OF SURVEY - MAY 24, 1986
 3. TAX MAP REF. SECT. 3, BLOCK 1, LOT 23
 4. DEED REF. LIBER 1356, PG. 302
 5. PARKING - 14 SPACES REQ'D - 14 PROVIDED
 6. APPLICANT: THOMAS ACUNZO
37 KEATS DRIVE
NEW WINDSOR, N.Y.
 7. ZONING - NC
FRONT YD. 40 FT.
REAR YD. 15 FT.
SIDE YDS. 15/30 FT.

Site Plan APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON 9-10-86
BY HENRY F. SCHEIBL
SECRETARY



9/14/86

SITE PLAN-NEW WINDSOR CARBURETOR

TOWN OF NEW WINDSOR ORANGE COUNTY, NY.

SCALE 1"=20'

MAY 30, 1986
REV: JULY 19, 1986
REV: AUG. 11, 1986
REV: SEPT. 3, 1986
REV: SEPT. 14, 1986

BY: J. DRAGAN

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WASHINGTONVILLE, NY.
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